

OFFICIAL PROCEEDINGS MINNEAPOLIS CITY COUNCIL

REGULAR MEETING OF DECEMBER 5, 2014

(Published December 13, 2014, in *Finance and Commerce*)

Council President Johnson called the meeting to order at 9:30 a.m. in the Council Chamber, a quorum being present.

Present - Council Members Kevin Reich, Cam Gordon, Jacob Frey, Blong Yang, Abdi Warsame, Lisa Goodman, Alondra Cano, Lisa Bender, John Quincy, Andrew Johnson, President Barbara Johnson.

Absent – Council Members Elizabeth Glidden, Linea Palmisano.

On motion by Quincy, seconded, the agenda was adopted.

On motion by Quincy, seconded, the minutes of the regular meeting and adjourned session held November 14, 2014, and the adjourned session held November 18, 2014, were adopted.

On motion by Quincy, seconded, the petitions, communications, and reports of the City officers were referred to the proper Council committees and departments.

The following reports were signed by Mayor Betsy Hodges on December 8, 2014. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city. A complete copy of each summarized ordinance and resolution is available for public inspection in the office of the City Clerk.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following reports:

COW - Your Committee, to whom was referred ordinances amending various Titles and Chapters of the Minneapolis Code of Ordinances updating language to reflect changes indicated by the Plain Language Charter Revision, now recommends that the following ordinances be given their second reading for amendment and passage:

- a) Ordinance 2014-Or-095 amending Title 1, Chapter 1 relating to General Provisions: In General.
- b) Ordinance 2014-Or-096 amending Title 2, Chapter 16 relating to Administration: Finance.
- c) Ordinance 2014-Or-097 amending Title 2, Chapter 17 relating to Administration: Finance Department.
- d) Ordinance 2014-Or-098 amending Title 2, Chapter 18 relating to Administration: Purchasing.
- e) Ordinance 2014-Or-099 amending Title 2, Chapter 23 relating to Administration: City Assessor.
- f) Ordinance 2014-Or-100 amending Title 2, Chapter 24 relating to Administration: Special Assessments.

- g) Ordinance 2014-Or-101 amending Title 2, Chapter 25 relating to Administration: City Attorney.
- h) Ordinance 2014-Or-102 amending Title 9, Chapter 171 relating to Fire and Police Protection: Police.
- i) Ordinance 2014-Or-103 amending Title 9, Chapter 173 relating to Fire and Police Protection: Fire.
- j) Ordinance 2014-Or-104 amending Title 11, Chapter 214 relating to Health and Sanitation: Health Department.
- k) Ordinance 2014-Or-105 amending Title 13, Chapter 259 relating to Licenses and Business Regulations: In General.
- l) Ordinance 2014-Or-106 amending Title 17, Chapter 427 relating to Streets and Sidewalks: In General.
- m) Ordinance 2014-Or-107 amending Title 17, Chapter 430 relating to Streets and Sidewalks: Right-of-Way Permits.
- n) Ordinance 2014-Or-108 amending Title 19, Chapter 509 relating to Water, Sewers and Sewage Disposal: Water.
- o) Ordinance 2014-Or-109 amending Title 20, Chapter 525 relating to Zoning Code: Administration and Enforcement.

Your Committee further recommends that staff from the Finance Department, City Attorney's Office, and Community Planning & Economic Development be directed to review and study the prohibition against awarding of contracts to persons or entities in default and report back on the implications of expanding the definition of persons or entities who are in default in contracts with the City.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report and ordinances were adopted.

The following is the complete text of the unpublished summarized ordinances.

ORDINANCE 2014-Or-095
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 1, Chapter 1 of the Minneapolis Code of Ordinances relating to General Provisions: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 1.30 of the above-entitled ordinance be amended to read as follows:

1.30. Penalties.

(a) *Generally.* Every person convicted of a violation of any provisions of this Code, except as hereinafter qualified [in subsection (b) or expressly provided elsewhere in the Code,] shall be punished by a fine of ~~not to exceed seven hundred dollars (\$700.00)~~ or by imprisonment, or both, for not to exceed the maximum amounts as established by Minnesota law for the punishment of a

~~misdemeanor offense ninety (90) days or both.~~ Each day's continuation of a violation shall constitute a separate offense.

(b) Traffic code violations. Every person convicted of a violation of a provision of the traffic code, which covers the same subject for which a penalty is provided for in Minnesota Statutes, Chapter 169, shall be punished in accordance with the penalty provided for in said Chapter 169, with the following exceptions:

(1) Every person convicted of a violation of section 478.1000, "winter parking outside special snow removal zones" or of section 478.1020, "winter parking in special snow removal zones," of this Code shall be punished by a fine of twenty-five dollars (\$25.00).

(2) Every person convicted of a violation of a provision of the traffic code, which regulates the standing or parking of vehicles, shall be punished by a fine of not more than one hundred dollars (\$100.00), except that if such conviction is preceded by two (2) or more convictions within the immediately preceding twelve-month period, for violating those provisions of the traffic code regulating the standing or parking of vehicles, the provisions of this subparagraph (2) shall not apply.

Section 2. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-096
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 2, Chapter 16 of the Minneapolis Code of Ordinances relating to Administration: Finance.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 16.220 of the above-entitled ordinance be amended to read as follows:

16.220. Authorized. ~~Pursuant to section 20, chapter 4, city charter, t~~The city finance officer shall pay all claims for goods, wares and merchandise, from any available money, as the same may be presented from day to day without awaiting formal approval of the city council or any of the boards of the city, upon lists of said claims prepared and approved by the finance officer, provided, however, that all claims against the city or any of its boards must first be approved by the proper city officers.

Section 2. That Section 16.235 of the above-entitled ordinance be amended to read as follows:

16.235. Payment of certain claims and judgments. ~~Pursuant to chapter 4, section 20, of the Minneapolis City charter, t~~The city finance officer shall, without awaiting the formal approval of the

city council, pay settlements of tort claims against the city and its employees in amounts under one thousand dollars (\$1,000.00), upon the written authorization of the city attorney. The finance officer shall also, without the formal approval of the city council, pay judgments of the Hennepin County Conciliation Court against the city immediately upon the expiration of the period for appealing said judgments, unless an appeal has been taken. The city attorney's office shall notify the finance officer of the entry of conciliation court judgments from which no appeal has been taken.

Section 3. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-097
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 2, Chapter 17 of the Minneapolis Code of Ordinances relating to Administration: Finance Department.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 17.40 of the above-entitled ordinance be amended to read as follows:

17.40. Composition of the finance department. The finance department ~~shall be organized by combining and~~ shall exercise the powers, functions and responsibilities involving heretofore ~~exercised by the administration, general accounting, accounts payable, control, and treasury divisions of the office of the comptroller-treasurer with and of the financial analysis, payroll and systems utilization, grants and general accounting, and budget and evaluation divisions of the assistant coordinator for finance and management.~~

Section 2. That Section 17.60 of the above-entitled ordinance be amended to read as follows:

17.60. Duties of finance officer. The finance officer:

(a) Shall oversee all functions of the finance department.

(b) Shall serve as treasurer to all city boards and commissions but shall not be a member of any city board or commission ~~and shall not act as treasurer to nor be a member of the Minneapolis Employees' Retirement Board.~~

(c) ~~Shall serve as treasurer to the Police Relief Association but shall not be a member of its board.~~ The finance officer may, with the consent of the City Council, appoint an assistant finance officer who shall assist in the duties of the office and act as finance officer in the absence of the finance officer.

(d) Shall assume all of the powers and duties that an assistant coordinator of finance and management would have and shall assume all of the powers and duties of the finance officer set forth in the City Charter or applicable laws of the State of Minnesota and such additional powers and duties as may be delegated to the finance officer by the city coordinator or the city council, ~~including but not necessarily limited to the powers and duties as defined by the following provisions of the City Charter:~~

~~(1) Chapter 3, Sections 11 through 20;~~

~~(2) Chapter 4, Section 20;~~

~~(3) Chapter 5, Sections 11, 14 through 27, 29, 30, 31, 33, and 35;~~

~~(4) Chapter 9, Sections 8 and 9;~~

~~(5) Chapter 10, Section 23;~~

~~(6) Chapter 16, Sections 1, 5 through 7;~~

~~(7) Chapter 17, Sections 5 and 6;~~

~~(8) Chapter 19, Sections 2 and 17.~~

(e) Shall assure that all administrative duties are performed as are set forth in Chapter 16 of this Code.

~~(f) Shall pursuant to Minnesota Laws 1986, Chapter 359, review and countersign all annual financial reports prepared by the boards of the Minneapolis Police and Minneapolis Fire Relief Associations, shall receive and deposit all money received for the special fund of the relief associations, and shall countersign all disbursements of five thousand dollars (\$5,000.00) or more made by the relief associations. Shall sign all bonds, orders, certificates or other evidences of indebtedness of the city, or any of its boards, before any such bond, order, certificate or other evidence of indebtedness shall be valid.~~

(g) Shall sign all bond documents and documents conveying city interest in real estate. The City Council may delegate by resolution the power to make and execute contracts on behalf of the City to certain persons or to certain position titles within the City. The delegated authority to make and execute contracts on behalf of the City shall only be for contracts of a limited dollar amount and a limited term as approved by the City Council. All contracts made under the authority of this shall section shall be in a written form approved by the City Attorney. The finance officer shall sign all city contracts except for those contracts of limited amount and limited terms delegated by the city council to be signed by a particular designee. The finance officer may designate up to two persons regularly employed in the office to sign city contracts on behalf of the finance officer. The designees shall have the same authority to sign city contracts as the finance officer, except for bond and real estate conveyancing documents. The finance officer shall also keep all records of all city contract documents, including the authority to enter into a contract and any other records deemed necessary. The finance officer also may establish those administrative procedures necessary for the management of city contracts.

(h) Shall receive all moneys belonging to the city, including license money and fines, and keep an accurate and detailed account in such manner as directed by the city council.

(g i) Shall control public lands and buildings owned or leased by the city for municipal operations under the jurisdiction of the city council and shall take such measures for the proper maintenance and protection of public lands and buildings as in the judgment of the finance officer may be necessary. The finance officer shall also purchase or sell public lands and buildings subject to the approval of the city council. All leases of public property must involve adequate consideration to reimburse the city for property expenses. This subsection shall not apply to purchases, sales or leases for development purposes, or to those certain public lands and buildings that the city coordinator and city engineer determine are more appropriately maintained and controlled by a separate city official.

Section 3. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-098
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 2, Chapter 18 of the Minneapolis Code of Ordinances relating to Administration: Purchasing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 18.105 of the above-entitled ordinance be amended to read as follows:

Section 18.105. Other Contracts. All other contracts not regulated by section 18.100, including but not limited to contracts for professional services, leases, joint powers agreements, maintenance agreements, real estate sales, loan agreements, purchases or leases, intergovernmental agreements, or any other contracts shall be in written form approved by the city attorney. Contracts for professional services made and executed pursuant to Chapter 4, Section 25, of the City Charter in a dollar amount less than or equal to fifty thousand and no/100 dollars shall be in written form approved by the city attorney and consistent with the policies and procedures of the finance department or other directives of the city's finance officer. Performance bonds and payment bonds will be required for these contracts at the discretion of the city's finance officer.

Section 2. That Chapter 18 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 18.115 to read as follows:

Section 18.115. Contracts not to be awarded to persons or entities in default. Neither the City Council nor any officers or employee of said city shall entertain any bid from or enter into any contract as defined in section 18.100, section 18.105 or any contract as defined in Chapter 423 with any person, firm, corporation or other entity that is in default to the city or any department thereof, on any contract or any bond or in any other way. This section shall continue to apply to any individual,

~~proprietorship, firm, corporation or other entity that wishes to enter into a contract with the city and the proprietorship, firm, corporation or other entity contains any person, officer or member of a firm, corporation or other legal entity that is in default to the city or any department thereof under a contract previously entered into with the city and the individual, or the person, officer or member of the firm, corporation or other entity has failed to cure the default.~~

Section 3. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson,
President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-099
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 2 of the Minneapolis Code of Ordinances relating to Administration, by adding a new Chapter 23 relating to City Assessor.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 23 to read as follows:

Chapter 23. City Assessor

23.10. Established. The office of the City Assessor is established as a department of the City. The office of the City Assessor shall be supervised, controlled and directed by the City Assessor.

23.20. Composition. The City Assessor shall appoint such number of deputies and staff as may be required to perform the work of the city assessor. The City Assessor shall be provided with the resources to perform the duties of the assessor as shall be determined by the city council.

23.30. Duties. The City Assessor and staff shall discharge the duties prescribed by general law for assessors and such other activities as the city council may direct.

Section 2. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson,
President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

DECEMBER 5, 2014

ORDINANCE 2014-Or-100
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 2, Chapter 24 of the Minneapolis Code of Ordinances relating to Administration: Public Works.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 24.180 of the above-entitled ordinance be amended and renumbered as Section 24.110 to read as follows:

24.180 24.110. Public hearing Special assessment procedure. ~~Prior to the adoption of assessments for local improvements pursuant to Chapter 10, Section 8~~ Special assessments shall be adopted pursuant to the authority set out at Article IX, Section 9.6(c)1 of the City Charter. ~~Prior to adoption,~~ a public hearing shall be conducted by the city council or a committee of the council to which the matter of the assessment has been referred. Notice of such hearing shall be published in the official newspaper of the city not less than twenty-one (21) days prior to the public hearing and shall be mailed at least fourteen (14) days prior to the date set for the public hearing to the owners of the properties to be assessed as shown on the list presented to the council by the city engineer. The notice of public hearing mailed to the owners of the property to be assessed shall include the amount of the proposed assessment, together with a statement that if after the city council adopts the assessments the owner of the property is dissatisfied with the assessment against his property he may appeal to the district court ~~by serving a notice upon the mayor or the city clerk within thirty (30) days after the city council has adopted the assessments and by filing the notice with the clerk of the district court within ten (10) days after its service pursuant to Section 24.120.~~ The notice must also state that no appeal may be taken as to the amount of any assessment unless a written objection signed by the affected property owner is filed with the clerk prior to the assessment hearing or presented to the presiding officer at the hearing.

Section 2. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.120 to read as follows:

24.120. Appeal of assessments. Any person aggrieved, who objected prior to or at the assessment hearing, may appeal by serving a notice upon the mayor or the city clerk within thirty (30) days after the city council has adopted the assessments and by filing the notice with the clerk of the district court within ten (10) days after its service. The court shall either affirm the assessment or set it aside and order a reassessment. If appellant does not prevail upon the appeal, the costs incurred shall be taxed by the court and judgment entered therefor.

Section 3. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding a new Section 24.130 to read as follows:

24.130. Irregularities and reassessments. The city council may cancel, decrease, or refund assessments at any time and without public hearing. The city council may increase assessments to correct omissions, mistakes or erroneous estimates relating to the total cost of the improvement or any other particular, using the same procedure as required for holding a public hearing and notification of affected property owners as for the original assessment. The city council may assess anew any whole or partial annulment or vacation by judgment of any court using the same

procedure as required for holding a public hearing and notification of affected property owners as for the original assessment. Nothing in this section shall authorize any new assessments in cases where a court has determined that the lots of land are not subject to assessment.

No omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment shall affect the validity of the same, where the assessment roll has been adopted by the city council. And the assessment roll, and the record thereof kept by the city clerk, shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by the Charter. No failure of the city clerk to record the assessment roll, or to deliver the same to the county auditor on or before the time prescribed for such delivery, or to do any other act or thing of him required, shall in any way invalidate any assessment; and no variance from the directions herein contained, as to the form or manner of any of the proceedings, shall be held material, unless it be clearly shown that the party objecting was materially injured thereby.

Section 4. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.140 to read as follows:

24.140 Assessment rolls. The City Council may, by resolution, direct the County Auditor of Hennepin County, to cancel, on any record, where the same appears, any special assessments theretofore assessed and levied by said City Council, whether because the same be irregular or erroneous, or because the improvement, for the cost of which said special assessment shall have been assessed and levied, shall have been constructed by the owner of the property against which said special assessment shall have been assessed and levied, and in any such case of the cancellation of any such special assessment the Auditor shall make the necessary credits of the amounts of such special assessment so canceled on the proper books and to the proper officers. The City Council may provide by ordinance or resolution that the certificate of an officer of the Department of Public Works or other proper officer, that any improvement, for which any such special assessment shall have been made, has so been constructed by the owner of the property against which any such special assessment shall have been made, presented to the said County Auditor, shall be sufficient authority for said Auditor to cancel the special assessment so assessed and levied for the cost of such improvement against the property named in said certificate, and for authority in that case for the said Auditor to make said proper credits. The City Council may also direct, by resolution or motion, the said County Auditor to divide any special assessment and place parts thereof on any part of the real estate against which the same is assessed and levied, and to make the necessary corrections and records thereof.

When the total cost of any improvement, for which special assessments have been assessed and levied, shall be less than the total special assessments assessed, levied and collected for the same, said City Council may refund out of the permanent improvement fund to the owners of the real estate against which said special assessments have been made, who have paid the same, their proportionate share of the excess of such special assessments so collected over the total cost of such improvements. After any improvement has been ordered and the special assessments for the cost thereof have been assessed and levied, if any person or persons desirous of having such improvement constructed before the collection of such special assessment shall advance the cost of such improvement and pay the same to the City Finance Officer for the credit of the permanent improvement fund, such money so advanced to construct such improvement shall not be used or appropriated for any other purpose; that said City Council may then cause the immediate construction of such improvement and shall, when said special assessments assessed and levied to

pay for the same are collected, cause the same to be paid to such person or persons advancing the money for the cost of such improvement.

Section 5. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.150 to read as follows:

24.150. Assessment liens to have priority. Assessments shall be a lien against property. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment, for any tax or for any improvements chargeable to or assessed against the property under the Charter, although the confirmation of such assessment may be subsequent to the lien of such judgment, decree or other lien or to such transfer or mortgage.

Section 6. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.160 to read as follows:

24.160. Assessment installments and transmittals. Whenever the city council shall determine to cause to be made any improvement authorized by Chapter 10, Section 8 of the City Charter for which assessments may be made against properties benefited by such improvement, the council shall fix the number of successive equal annual installments, not in excess of twenty, in which assessments for such improvement may be paid, and shall fix the interest rate to be paid annually on all unpaid installments at a rate not to exceed the prevailing maximum rate of interest provided for in Minnesota Statutes, Section 429.061, subdivision 2. The first installment shall be payable in the year following completion in the same manner as real estate taxes. Thereafter all subsequent installments shall also be payable in the same manner as real estate taxes.

The Council shall transmit to the County Auditor of Hennepin County any assessment rolls adopted by the Council whereby it shall assess and levy any special assessments against lots and parcels of property for the purpose of paying the assessed share of the cost of any such improvement. Any such assessment roll shall show the number of installments in which the assessment may be paid, and the annual rate of interest to be paid on all unpaid installments. Said Auditor shall include in the taxes for each year one of the installments, together with one year's interest on that installment and all subsequent installments, provided that the owner of any property so assessed may within thirty days of the adoption of the assessment roll, pay the entire amount of the assessment on such property without any charge for interest, and may thereafter pay at any time the entire amount of the assessment remaining unpaid with accrued interest. Said Auditor shall so keep books that the Treasurer of said County can and shall at the time of the proper settlements with said City of Minneapolis, or with its proper City Finance Officer or other officers, report the amount of the interest on said deferred installments separately from the amounts of the installments paid in any year.

For keeping all of the information which may be required of the County Auditor under the various special assessment plans which have now or may thereafter be adopted by the City Council, which shall include every kind of entry whether ordered or requested by said City Council or any Court, the city shall pay the County Auditor the sum of two dollars and fifty cents (\$2.50) for each entry of a special assessment entered by the Auditor upon the tax list of the County, the same to be payable upon the completion of the tax list for each year.

Section 7. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.170 to read as follows:

24.170. Improvements made by contract or city. Any improvements, the means to make or construct which may be raised by special assessment, may be performed by contract let in the ordinary way, or directly by the city by the employment of labor and purchase of material, or in any other manner in which the City Council may deem proper in each particular case. And the City Council may in its discretion, in any case, instead of causing the special assessment to be made entirely upon estimates as hereinbefore provided for, wait until the letting of the contract for such improvement, or until such improvement shall be made before determining and fixing upon the cost and expense of such improvement.

Section 8. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.180 to read as follows:

24.180. Timing of collection. The City Council may, at the time of ordering any improvement for which any assessment may be made, determine whether to proceed at once with such improvement or await the collection of such assessment.

Section 9. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.190 to read as follows:

24.190. Deficiency paid from permanent improvement funds. No special assessment shall be questioned or held to be invalid, because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. If the amount raised by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the permanent improvement fund; and upon any assessment rolls or other papers made or used in any of the proceedings, it shall not be necessary that words shall be written out in full, but abbreviations, letters, figures and recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of any property shall be regarded as material in any proceedings under this chapter.

Section 10. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.191 to read as follows:

24.191. Special assessment funds to be kept separate. In case any assessment for improvement is collected before the making of such improvement, the money so collected shall be kept separate from the funds of the city and not devoted to any other purpose than for such improvement.

Section 11. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.192 to read as follows:

24.192. Assessments may be paid to city finance officer. After any special assessment roll shall have been adopted by the City Council and before the same shall be delivered to the County Auditor for collection, any assessment thereon may be paid direct to the City Finance Officer of said city; and upon the production of the City Finance Officer's receipt therefor to the City Clerk, he or she shall enter upon such assessment roll, opposite the assessment so paid, the words, "Paid to City Finance Officer," which entry shall cancel the assessment so paid. In case interest shall have been included in such assessment, so much of such interest as shall not have accrued on such assessment at the time of such payment, shall be deducted therefrom.

Section 12. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.193 to read as follows:

24.193. Permanent improvement revolving fund. The special fund called "The Permanent Improvement Revolving Fund," heretofore created and existing in and for the City of Minneapolis at the time of the adoption of the Charter, is hereby continued and recreated as a special fund of said city. To said fund shall be credited the proceeds of all municipal bonds heretofore or hereafter issued by the City of Minneapolis for the purpose of paying the assessed portion of the cost of making and constructing local improvements except water mains in advance of the collection of the special assessments assessed and levied to defray such assessed portion of the cost of such local improvements except water mains, and also the proceeds of each of the installments of all special assessments heretofore or hereafter assessed and levied by the City Council, which are to be paid in equal annual installments as provided in the next preceding section of this chapter. The portion of the cost of any improvement except water mains which is not to be assessed against benefited property shall be paid from the Permanent Improvement [Revolving] Fund of the City from the proceeds of bonds issued for that purpose or from such other moneys as may be available for such purpose. The payment out of said Permanent Improvement Revolving Fund shall be only that portion of the cost of improvements the payment of which has been provided for by such special assessments against benefited property and said fund shall be diverted to no other purposes except temporary loans, and any refunding of excess assessments as authorized in Section 26 and for repayment of any debt incurred to finance the improvements.

Section 13. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-101
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 2 of the Minneapolis Code of Ordinances relating to Administration by adding a new Chapter 25 relating to City Attorney.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 25 to read as follows:

Chapter 25. City Attorney

25.10. Established. The office of the City Attorney is established and shall be the legal department of the City. The office of the City Attorney shall be supervised, controlled and directed by the City Attorney.

25.20. Composition. The City Attorney may appoint two deputies and such other assistants and staff as may be required to perform the work of the city attorney. The City Attorney shall be provided with the resources to perform the duties of the city attorney as shall be determined by the city council.

25.30. Duties. The City Attorney and staff shall discharge the duties prescribed by the Charter for the City Attorney and such other activities as the city council may direct.

Section 2. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-102
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 9, Chapter 171 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Police.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 171.10 of the above-entitled ordinance be amended to read as follows:

171.10. Composition of department. The police department shall consist of a chief of police, and as many additional police officers as the city council may from time to time by resolution authorize. The city council shall provide all buildings, facilities and equipment, and all other public property as may be necessary or deemed essential to the efficiency of said police force and department.

Section 2. That Section 171.20 of the above-entitled ordinance be amended to read as follows:

171.20. General duties of chief. The chief of police, under the direction of the mayor, shall divide the subordinate police into proper watches and assign them their place of duty, and ascertain by personal daily inspections whether the police are faithfully discharging their duties, and report to the mayor any negligence or refusal to discharge the same, and also shall perform the other ordinary duties of a police officer. The chief of police shall have precedence over the police officers whenever engaged in the same service, and they shall at all times when on duty be subject to the chief's command and control.

Pursuant to Minneapolis City Charter Chapter 6 § 7.3, the city council designates the chief of police to appoint a person to serve as director, community services bureau (crime prevention), a rank equivalent to deputy chief. That person shall direct said bureau, shall serve in the unclassified service and need not be a sworn police officer.

Section 3. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-103
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Fire.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 173.55 of the above-entitled ordinance be amended to read as follows:

173.55. Arson squad designated fire police, deemed peace officers. The Minneapolis fire department arson squad as presently constituted and its successor entities are hereby designated "fire police" pursuant to the Minneapolis City Charter, ~~Chapter 7, section 8,~~ with such duties and responsibilities as are assigned to them by the chief of the Minneapolis fire department. Fire police shall have full authority as and shall in fact hereby be deemed "peace officers" as that term is used and construed in the statutes of the State of Minnesota.

Section 2. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-104
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 11, Chapter 214 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Health Department.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 214.10 of the above-entitled ordinance be amended to read as follows:

214.10. Department established. ~~The Minneapolis Department of Health and Family Support shall henceforth~~ There is hereby established a health department in the city to be named the Minneapolis Health Department which shall develop and maintain of a system of community health services. The

head of the health department shall be the commissioner of health who is appointed pursuant to Charter ~~Chapter 3, Section 4~~. This department shall have duties and authority granted to a local health department pursuant to state law, Charter, and as assigned to it by this title and Chapter 14 of the Charter as well as other duties and responsibilities as assigned to it by the city council.

Section 2. That Section 214.20 of the above-entitled ordinance be and is hereby repealed.

214.20. Authority. ~~This chapter is adopted pursuant to Minnesota Statutes 1990, Chapter 145A.04, Subdivision 3(a).~~

Section 3. That Section 214.30 of the above-entitled ordinance be amended to read as follows:

214.30. Additional functions. The commissioner of health may exercise any of the functions or authority granted to the department of regulatory services or the director of regulatory services or ~~the director of licenses and consumer services licensing official~~ under Title 3, Air Pollution and Environment; Title 10, Food Code; and Title 11, Health and Sanitation of this code of ordinances, or delegate this authority to his or her designees. The city council may assign additional duties and personnel to the department for family support and planning as needed.

Section 4. That Section 214.40 of the above-entitled ordinance be amended to read as follows:

214.40. Department organization. ~~The commissioner of health may modify the management structure of the department, including modification of the duties, position descriptions or titles of any of the seven (7) bureau directors authorized by Charter Chapter 14, Section 8 in order to more effectively carry out the duties assigned to the department by this title and the city council. To assist in the administration of the department, the commissioner of health shall appoint and remove such officers and assistants as shall be provided by the city council. Unless the positions are in the unclassified service pursuant to state law, Charter, or Title 2, Chapter 20, Article XII of this code of ordinances, they shall be in the classified service. The officers and assistants shall perform such duties as shall be assigned by the commissioner of health. The officers and assistants shall receive such compensation as shall be appropriated by the city council.~~

Section 5. That Chapter 214 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 214.50 to read as follows:

214.50. Qualifications, duties of commissioner of health. The commissioner of health shall be an individual who is trained and experienced in public health administration, and meets the standards of a community health services administrator as that term is used and construed in the statutes and rules of the State of Minnesota. The commissioner of health shall have general responsibility, under the supervision of the city council, for the development and maintenance of a system of community health services, identification and implementation of local public health priorities, as well as enforcement of all sanitary and public health laws applicable to the city, and such other duties as the city council may assign. The commissioner of health shall supervise the work and assign the duties of all officers and assistants in the department.

Section 6. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-105
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 259.250 (13) of the above-entitled ordinance be amended to read as follows:

259.250. Business license management responsibilities. The following minimum standards and conditions shall be met in order to hold a license, provisional license or license permit under Titles 10, 11, 13 and 14 of this Code. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license or license permit.

(13) The provisions of this section are not exclusive. Adverse license action, inclusive of, but not limited to, revocation, may be based upon good cause ~~as authorized by Chapter 4, Section 16 of the Charter~~ at any time upon proper notice and hearing. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

Section 2. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-106
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 17, Chapter 427 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 427.20 of the above-entitled ordinance be amended to read as follows:

427.20. ~~Street widths~~ City Council to Control Streets. The City Council shall have the care, supervision and control of all highways, streets, alleys, public squares and grounds within the limits of the City. The City Council may lay out and open new streets and alleys, and extend, widen and straighten any that now exist, or which may hereafter exist. For the purpose of drainage, construction of bridges, or making other necessary public improvements, or for the improvement of the health or sanitary condition of the people of the City, the City Council may, through its

designated agents or contractors, enter upon, lower, raise, change the course of or divert any stream of water, in accordance with federal and state law, (except the Mississippi River) or any ditch or drain within the limits of the City, and may build, maintain and repair bridges across streams or railway tracks, in accordance with state and federal law, and may provide for the pavement of gutters or of the roadbeds of any street or alley. The widths of streets shall be as established by the council and shall be filed with the city engineer. The City Council shall have authority to designate districts or portions of the streets and alleys of the City, for the purpose of cleaning the same, and may provide for the cleaning of these districts by city forces or by contract on such terms as the City Council shall deem advisable.

Section 2. That Section 427.50 of the above-entitled ordinance be amended to read as follows:

427.50. ~~Notice of proposed grade changes~~ Street Grades. The City Council may establish the grade of any street when such grade has not been established, and may by vote of two-thirds of the members of the Council change the grade of any street after such grade has been established. Accurate profiles of the grades of all streets shall be made and kept in the Department of Public Works. Before any ordinance is passed providing for a change of grade on any street or alley, the city engineer shall notify by mail all owners of property abutting on the street when said the proposed grade change is to be made, so far as such the owners can be readily ascertained by such the city engineer.

Whenever the grade of any street shall be established or changed by the City Council, the owner of abutting property may file with the City Clerk, within twenty days after the City Council votes to establish or change the grade of a street in front of an abutting property, notice that the owner of the abutting property will claim damages by reason of the establishment or change of grade in front of the owner's abutting property, giving the description of the land and the buildings thereon, together with the amount of the value of such land and buildings, in the owner's judgment, and the amount of the alleged damages which such establishment or change of grade will, in the owner's judgment, cause to the owner's land and buildings, which notice shall be sworn to and shall be accompanied by the certificate of the City Assessor of the City of the value in the City Assessor's judgment of such land and buildings, and of the damages which in the City Assessor's judgment such establishment or change of grade will cause to the land and buildings and the City Assessor shall examine said buildings and land, and the change of grade, as so voted, and make the requested certificate pursuant to the request of the owner of such property. After the expiration of the twenty (20) days and within thirty (30) days after the expiration of the twenty (20) days, if the City Council shall, from the amount of damages claimed by such notices, deem it unwise to establish such grade or to make such change of grade of such street, it may reconsider the vote by which such establishment or change of grade was made, which reconsideration of such vote shall be by a majority of all the members of the City Council. But if no such reconsideration of such vote shall be had within fifty (50) days after the vote of the City Council so establishing or changing the grade of the street, where damages are so claimed, or if on such reconsideration two-thirds (2/3) of the members of the Council shall again vote for such establishment or change of grade, then after the expiration of six months after the work of grading such street shall have been fully completed, the City Council shall appoint five free-holders of the city, no two of whom shall reside in the same ward, as Commissioners, to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of such abutting property and permanent buildings who have filed the sworn notices and certificates of such City Assessor required herein, and to assess the amount of such damages and compensation upon the lands and property to be benefited by the improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation. It shall take at least four of these Commissioners to make any award of damages. The Commissioners shall be sworn by the Clerk or any officer authorized to administer oaths, to

discharge their duties as such Commissioners in the matter, with fidelity and impartiality, and make due return of their action to the City Council.

They shall give notice by two publications in the official paper of the City that they will, on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in the notice on or near the lands and buildings which it is claimed shall have been damaged by the establishment or change in the grade of such street, and view the same, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement, and assess thereon, in proportion to benefits, the amount necessary to pay the compensation and damage, and that they will then and there hear such allegations and proofs as interested persons may offer, and the Commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time after having viewed the premises, and may for the hearing of evidence and the preparation of their award and assessment, adjourn or go to any other convenient place in the City, and may have the aid and advice of staff of the Department of Public Works and of any other officer of the city. After viewing the premises, and hearing the evidence offered, the Commissioners shall prepare and make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose land or buildings shall have been damaged by the establishment or change of grade of the subject street. But if the remainder of the land or of the property on which the subject buildings stand, or the remainder of the lot or parcel connected therewith, shall be benefited by such establishment or change of grade of the street, then the Commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award the owner only the excess of the compensation or damages over and above such benefits. The Commissioners shall then assess the amount of such compensation and damages so awarded upon the land and real property benefited by such change of grade, and in proportion to the benefits, but in no case shall the amount of the assessment exceed the actual benefit to the lot or parcel of land, or other real property so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the City Council their appraisement and award, and if, in the judgment of the Commissioners, the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report, and shall state the amount of the excess. The Commissioners shall also report to the City Council an assessment list containing their assessment of such compensation and damages, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of real property assessed, the name or names of the owner or owners thereof, if known, and the amount assessed thereon and the amount of the excess of such compensation and damages aforesaid, which they shall return unassessed. The report shall be presented by the Commissioners to the City Clerk of the City, who shall give notice by one publication in the official paper of the City that the report and assessment list will be presented to the City Council for confirmation at the next meeting or session of the Council occurring at least one week after the publication of the notice, at which meeting or at any subsequent meeting or session of the Council, the City Council may act upon the report and hear any complaint touching any award or assessment, or it may refer the matter to a committee of the Council to hear any complaints and report thereon. The Council may confirm the award and assessment, or either, or send the same back to the the Commission for further consideration; and the Commissioners may in such case again, upon giving notice, published once in the official paper of the City, meet at any time and place to be designated in the notice, which time shall be at least two weeks after the publication of the notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in the award and assessments and alter and revise the same as they shall deem just and again report the same to the City Council, who may thereupon

confirm or annul the same, or the City Council may appoint a new Commission, with like powers, duties and obligations of the first Commission to make such assessment and awards, and to report the same to the City Council in like manner that the first Commission might do, and when the report and assessment lists are finally confirmed by the City Council, such confirmation shall make the award and assessment final and conclusive upon all parties interested. The City Council shall proceed, at the same time or any subsequent meeting, to levy the assessment upon the several parcels of land described in the assessment list reported by the Commissioners in accordance with the assessment so confirmed, and cause to be made, and adopt, an assessment roll of the same which may be in any form which the City Council may adopt, and from which award and assessment as so confirmed by the City Council the owner of an affected parcel may appeal to district court by serving notice of appeal upon the Mayor or the City Clerk within thirty (30) days after the City Council has adopted the assessments and by filing the notice with the clerk of district court within ten (10) days after its service; and the City Clerk, under the instruction of the City Council, shall make and prepare all forms necessary to carry out the provisions of this Section. Provided, that no award shall be greater than the amount so claimed in the sworn notice filed with the City Clerk. Provided further, that the damages and compensation to be awarded shall be the damages and compensation which shall be apparent at the end of six (6) months after the final completion of the work of the grading of the subject street.

Section 3. That Chapter 427 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 427.90 to read as follows:

427.90. Owners to Build and Repair Sidewalks. (a) It is the duty of all owners of land adjoining any street, lane or alley in the City, to construct, reconstruct and maintain in good repair any sidewalks along the side of the street, lane or alley next to the lands of such owner of land as may have been previously constructed, or as shall hereafter be constructed, or directed by the City Council to be built. It is the duty to build it of such material and width, and upon such place and grade as the City Council, acting through the Director of Public Works, may prescribe. Whenever the City Council shall deem it necessary that any sidewalk in the City of Minneapolis shall be constructed or reconstructed, it shall by resolution direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be constructed. The publication of such resolution once in the official paper of the city shall be sufficient notice to the owners of the land along which such sidewalk is to be built to construct the same, and unless such owners shall each along the owner's respective land construct and fully complete the sidewalk within two weeks after the publication of the resolution as aforesaid, the City Council shall proceed to ascertain the expense of constructing the same and assess and levy the expense upon and against each lot and parcel of land upon which the sidewalk shall front. The assessment shall be collected as provided for generally in this Code. The City Council may either before or after making the assessment cause such portion of such sidewalks as have not been built by the owners of the lands fronting on the same, and all street crossings, to be built by the City. Before ordering the construction of any new sidewalk the City shall, if reasonably necessary, cause the ground on which it is built to be graded in a reasonable manner.

(b) If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten, or out of repair, it shall be the duty of the Director of Public Works to ensure the repair of the same within a reasonable time in a good, substantial and thorough manner, and to report to the City Council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be filed and preserved by the City Clerk. The City Council shall once in each year, at or as near as conveniently may be to the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired the cost of making the repairs. In

each case the assessments for all the repairs within the year may be combined in one assessment roll and be collected as provided for in this Code. In the case that any sidewalk shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt, and there are no funds to defray the expense of the rebuilding, it shall be the duty of the Director of Public Works to ensure the removal of the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed and collected with the assessment for the reconstruction.

Section 4. That Chapter 427 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 427.290 to read as follows:

427.290. Bridges. All bridges in the city crossing the Mississippi River or any natural stream or water course in the city, whatever the form or material used in the construction thereof, together with the guards and embankments connected therewith, and the immediate approaches thereto which form a necessary part of the same, and also all such bridges crossing railway tracks, canals and the approaches thereto or any portions thereof that are not the responsibility of any railway company, any other governmental unit or any other entity, shall be built, maintained and kept in repair by the City as a general city charge unless otherwise determined by the Director of Finance.

Section 5. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-107
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 17, Chapter 430 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Right-of-Way Permits.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 430 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 430.175 to read as follows:

430.175. Liability for obstruction and excavation of streets. All persons who shall, by means of any excavations in or obstructions upon any street of said city, not authorized by law or the ordinances of said city, render such street unsafe for travel, or who shall by negligence in the management of any such excavation or obstructions as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence, and no action shall be maintained against said city for such damages unless such person or persons shall be joined as party defendants; and in case of judgment against the defendants in such action execution shall at first issue only against the

defendant causing such insufficiency, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied, and if the city shall pay such judgment it shall become the owner of the same and may enforce payment of the same from the other defendant and shall be entitled to execution therein against the other defendant, and to take such other proceedings as judgment creditors are entitled to take.

Section 2. That this ordinance shall take effect on January 2, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-108
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: Water.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.05 to read as follows:

509.05. Council to maintain water works and sewers. The City Council shall have the authority to maintain the water works and all water service infrastructure of any kind and all sewers, whether storm or sanitary, now established in the City and to enlarge, extend and re-lay and improve the same. It is required that before any street is paved, that the gas, water and sewer pipes be laid in the street and connection made and in all cases where any mains have been or are hereafter to be laid, whether the street on which the same are laid is to be paved or not, the Council shall require connection with such mains to be made to the front line of each lot abutting thereon. The property owner shall be responsible for the cost and maintenance of the property's connection out to the main regardless of the location of any stop box or other interim point.

Section 2. That Section 509.10 of the above-entitled ordinance be amended to read as follows:

509.10. Water treatment and distribution services; Supervision by public works director; appointment of personnel. Within the Department of Public Works, there shall be a Water Treatment and Distribution Services Division. It shall have charge, subject to the direction of the City Council and the immediate direction of the Director of the Department of Public Works, of the construction, maintenance, repair and management of everything pertaining to the City's water facilities and infrastructure, water treatment, water distribution, and other water services not relating to stormwater or surface water. It shall have charge, subject to the direction of the City Council and the immediate direction of the Director of the Department of Public Works, of all new constructions, additions and alterations to the system of any kind and shall likewise have the supervision and direction of the operation of the system and related facilities. ~~The City of Minneapolis Department of Public Works Water Treatment and Distribution Services~~ This Division shall be under the immediate ~~direction of the city council acting through authority of~~ the public works director who, subject to the

approval direction of the city council, shall do everything regarding said the dDivision that may be necessary for the management and protection thereof. The public works director shall appoint all officers of the ~~Minneapolis Department of Public Works Water Treatment and Distribution Services~~ Division.

Section 3. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.140 to read as follows:

509.140. Branch Pipes and Sewers. The City, acting through the Department of Public Works, may at all times regulate and control the time and manner of laying and constructing, by private parties, of branch pipes and sewers leading from main lines of water mains and sewers, and of making connections with main lines and with branch lines both public and private. The City, acting through the Department of Public Works, may also, whenever it shall deem it necessary to lay or construct branch pipes or sewers in order to prevent future tearing up of streets or for any other reason, determine in the case of each main line, or of any specified portion of a main line, the location, number and manner of construction of such branch lines, providing, in its discretion, one (1) or more for each distinct lot or parcel of land, or one (1) for two (2) or more adjacent lots or parcels of land may require the proper officer to make surveys, plats and profiles showing the same, which when approved and adopted, shall thereafter be preserved in the Office of the Department of Public Works, or may thereupon, whether such main has already been constructed, or is in process of construction, forthwith lay and construct all such branch pipes and sewers not already constructed by the private parties interested, from a connection with the main line to the line of the street. Whenever the City constructs one or more such branch pipes or sewers it shall assess the whole cost of each upon the lot or parcel of land to which it runs without regard to the valuation or the frontage of such lot or parcel of land but in case one (1) branch is to serve two (2) or more lots or parcels of land it shall assess the whole cost of the same upon all the lots or parcels of land to be served by it, on equal sum per front foot without regard to valuation. The cost of such branches may be assessed and collected in advance of their construction as in case of other improvements, in which case the cost shall be estimated and fixed in the manner provided by this Code, for the improvement therein specified with such variances in the matters to be reported, and in the other details as shall be suggested by the different character of the improvement, or such branches may be determined upon and forthwith constructed without prior estimate or other proceedings in which case the actual cost of construction, certified to by the Director of Public Works, and approved by the City Council shall be assessed, after the completion of the same, against the private property as above specified. In either case, the assessment shall be made and collected substantially as provided in the case of other improvements. The City may, however, in case it constructs any branch at the time it constructs the main line, assess in the manner above-named the whole cost thereof, and add the same to and include it with the assessment for the main line. The property owner shall be responsible for the cost and maintenance of the property's connection out to the main regardless of the location of any stop box or other interim point. The City, acting through the Director of Public Works, may, subject to such terms, and under such regulations as it may fix, require all persons using an area or any space within the lines of any street, to permit to be laid within such area or space all necessary branch pipes, both water and gas, and branch sewers to a connection with other branches, and also to be laid therein enclosed in tubes, conduits, pipes or otherwise sufficiently protected, any and all electric wires, cables, pipes, optical fibers and other facilities or means of transmission or transportation of any substance, service, or data it may at any time require laid beneath the surface of the street. And in the future no permits for the excavation or use of any area or space within the lines of a street shall be given except upon condition that it may be used by others to the extent reasonably feasible; and on condition that there may be placed therein any hydrant or other part of the water works infrastructure of the City.

Section 4. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.200 to read as follows:

509.200. Damage to Water Treatment and Distribution Services Infrastructure or Other Property. Any person who shall, without authority from the City Council, willfully break, remove or in any way injure, damage or interfere with any water treatment or distribution services infrastructure or property including, but not limited to the main, meter, branch water pipes, intake pipes, aqueduct, dam, bulkhead, reservoir, pump station, gate, gate house, valve, conduit, air vent, air box, air box cover, main pipe or cover, hydrant, storage tank or any part of the machinery, equipment, infrastructure or other property of the City; or who shall fill up or partially fill up any excavation, or raise or open any gate, break down or force open any doors or breach any fences of any City property, or who shall perforate or bore, or cause to be perforated or bored, any main, distributing pipe, branch pipe, aqueduct or other pipes of any kind, or cause to be made any connections or communications with any such main, distributing pipe, branch pipe, aqueduct or other pipes, or do any act to pollute the water in any river, creek, or channel anywhere in the City limits of the City, or the Mississippi River within three (3) miles above the north line of the City, or do any act to pollute any reservoir, pipe, main, aqueduct, intake pipe, storage tank or other place for collecting water for use for the City's water distribution and transmission services, on conviction thereof shall be subject to be punished as provided by Section 1.30 of this Code in addition to being subject to any other penalties or remedies, civil or criminal, provided by local, state or federal law.

Section 5. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.230 to read as follows:

509.230. Extension of water works and sewers. Whenever in the enlargement or extension of water works or sewers, it shall, in the judgment of the City Council, be necessary to take any private property, consisting either of land, buildings, or other private property, the City Council shall have power to acquire the same by purchase, or by condemnation, in the matter provided in this Code or other law, and in such cases of condemnation, as well as purchase, a full title in fee simple for the property acquired shall vest in the City. Provided, however, that in the case of purchase or condemnation of private property for laying sewers or water mains, where the City Council may deem it best only to obtain the right to lay and maintain the sewers or water mains over, across or through private property, the City Council may either purchase or condemn the right simply to lay, construct and maintain the mains and sewers and the necessary appendages thereto, over, across or through any private property, giving to the owner thereof the right to use of the surface of the land, except at such times and such places as the City Council or the proper board, officer or department of city government of the City of Minneapolis may find it necessary to enter upon, dig into or disturb the surface for the purpose of laying, relaying, constructing, or reconstructing or repairing such water mains or sewer pipe; and deed of purchase in such case, or the judgment of the court in the case of condemnation shall define the rights of the City and its proper boards, officers, agents, or the City Council as well as the land owners therein.

Section 6. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.235 to read as follows:

509.235. Procuring Grounds and Diverting Water. Whenever the City Council shall consider it necessary to procure grounds for water works, or any water-power for water works, or the right to take from any dam or pond, reservoir or other part or portion of the waters of the Mississippi River, whether the same be private or public property or rights, any and all water necessary or convenient for the purpose of being forced through the conduits, aqueducts, mains, pipes or branch pipes in the City of Minneapolis, or through any part thereof, for the benefit and use of the inhabitants and people residing at or being in the City of Minneapolis, and for the use of said City; or the right to lay intake pipes from any pump station in the City of Minneapolis belonging to said water works, through

any mill dam, mill pond, whether above, through or below water, or through the bed or bottom of any such mill dam or mill pond, or through any private real estate, whether same be water or land, or interests in any water power or water reservoir, and to lay and maintain said intake pipe or pipes, and to construct the necessary cribs and other protections of every kind necessary to lay or to protect any such intake pipe or pipes, anywhere in the Mississippi River, or the islands therein or land adjoining thereto; and the right to construct dams and reservoirs, and wing dams, anywhere in said river, whether within or above other dams, ponds or reservoirs, the City Council may exercise its power of eminent domain, or proceed under any applicable state law granting or governing proper authority.

Section 7. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.240 to read as follows:

509.240. Assessment for water mains. Whenever water mains shall be laid, re-laid or extended through any street or alley of the City, or any portion thereof, the City Council shall have the authority, and it shall be its duty, to levy and collect by special assessment, the cost or expense thereof or a portion thereof, in their discretion, and the cost shall not exceed the estimated cost of laying a six-inch main (including pipe hydrants, valves and all necessary specials) by a special assessment upon the property on both sides of such street or alley fronting upon such improvement. The cost not provided for by such assessment, including the increased cost of larger mains, and the cost of laying mains upon crossing streets, as well as the proportion which would otherwise be assessed against any property which is by law exempt from such assessment, shall be paid out of the water treatment and distribution services enterprise fund established by this Code or as otherwise established by law.

Section 8. That Section 509.250 of the above-entitled ordinance be amended to read as follows:

509.250. Financial management. The city shall maintain a separate enterprise fund for the water treatment and distribution services division. The water treatment and distribution services enterprise fund shall be used to record all moneys paid and payable to the city as and for water rates or rents, and all other miscellaneous moneys payable or paid to, or received by, the city finance officer from any source whatsoever to the credit of the water treatment and distribution services enterprise fund. The water treatment and distribution services enterprise fund shall also be used to record all moneys appropriated by the city council for water treatment and distribution services division purposes. All special assessments levied upon abutting property for the laying of water mains, shall when and as fast as collected be credited to the water treatment and distribution services enterprise fund. The City shall proceed to lay mains in advance of the collection of special assessments thereof, whenever there shall be sufficient moneys in the water treatment and distribution services enterprise fund in excess of other necessary or estimated demands thereon to enable advances to be made from the fund. No contract negotiated by the City Council shall be binding upon the City until the same shall be countersigned by the Finance Officer; subject to the same rules respecting the possession of funds to meet such contracts as in case of other contracts entered into in behalf of the City; but the City shall have the right to make such contract for anything pertaining to water treatment and distribution services of the City in anticipation of the sale of any bonds which the city shall have been authorized to sell, the proceeds of which are required to be set apart to the credit of the water treatment and distribution services enterprise fund of the City.

Section 9. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.320 to read as follows:

509.320. Repairs, Use of Other Funds . If it shall be necessary to make repairs, additions or alterations to any pumping stations, treatment facilities, equipment, water mains or other facilities of any kind related to water treatment or distribution, when there shall not be sufficient money in the water treatment and distribution services enterprise fund to defray the costs thereof, the City Council

may appropriate from the general fund of the City to the water treatment and distribution services enterprise fund, sufficient money to insure repairs.

Section 10. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.580 to read as follows:

509.580. Drainage of marshes, etc. Whenever any sewer of the city shall be extended to or in the vicinity of any tract of wet or marshy land either within or without the limits of the city, and the city council shall consider that the public health of the city demands the drainage of such wet or marshy land and the extension of such sewer to or into such land and beyond the lines of the streets of the city, the city council may by resolution direct the commencement of proceedings against the owner or owners of such wet or marshy land, and thereupon the City shall have the right to maintain in the District Court of the County of Hennepin, or in any other court of competent jurisdiction, an action against the owner or owners to compel a contribution from them, to defray the expense of extending such sewer to or into such lands, and the additional expense, if any expense may be caused by the necessity of enlarging the sewers through the streets of the city from such tract of land to the outlet of such sewer. In such action the court shall have power to direct the joining of other parties to such action as defendants in such manner as it shall adjudge equitable and shall make awards of such sum or sums of contribution to the expense of such sewer as it shall deem just and in proportion to the benefit to each specific parcel of such wet or marshy land as shall be affected by such sewer, but in no case to exceed the amount of benefit it shall adjudge to accrue to each of such specific parcels by reason of the extension of the sewer. The award shall stand as the determination of the court, and the City shall upon the completion of such work have judgment and execution for the several sums so awarded, which judgment shall be a specific lien upon each of the parcels of land upon which such award is made, which lien shall have priority over every other lien or charge upon such parcel, and the judgment may be enforced only against such specific property. If upon the making of the award by the court the city council shall consider the whole expense of such improvement above the amount of the award to be an excessive burden on the City, it may abandon the proceedings by paying the taxable costs in such action, or it may determine to proceed with part of the work and abandon the remainder thereof, in its discretion, or it may, in its discretion, delay the performance of the work for a period not to exceed three (3) years. Whenever the city council shall determine that any wet or marshy district in the City needs to be drained for the public health of the city or for other public benefit, then the city council may cause to be devised and carried into construction and effect a system of drainage for such wet and marshy district by sewers, or covered drains made of wood, stone, brick, or made of any other materials, or made partly of one material and partly of other materials as the city council shall determine; or by open ditches or canals, where the same will best effect the drainage of the property; or partly of sewers or covered drains, and partly of open ditches or canals or by other means specified. The city council may cause the cost of such system of sewers, covered drains, ditches, canals, or other means to be paid by a special assessment, to be made upon all the real property within such wet or marshy district, including any high land within or adjoining the same which shall be benefited by the system of drainage on the assessed value of each parcel of real property so benefited. The system of drainage for any such wet or marshy district may be constructed at one time or during one year or at different times in different years and in different parts or sections. In the event that different parts of any such system of drainage shall be constructed during different years, the city council shall first, as near as practicable, cause to be constructed the principal or main sewers, covered drains, ditches, or canals and afterwards shall cause to be constructed the branch or lateral sewers, covered drains, ditches, or canals; and then levying a special assessment for the cost of such system, or any portion thereof, it shall levy the special assessment for the principal or main sewer, covered drains, ditches, or canals, and also the cost of the branch or lateral sewers, covered drains, ditches, or canals or other portions belonging to the same system of the drainage upon all the real property so to be benefited

by the system, whether the same shall be constructed in one year or whether parts of the system shall be constructed in different years.

Section 11. That Section 509.730 of the above-entitled ordinance be amended to read as follows:

509.730. Water rates established. The City Council shall fix from time to time the water rates to be paid by the owner, lessee or occupant for each house, building or place, or any part of the same, in the City or at which water from the City water system may be used, and shall fix the time when the charges for water shall be made payable. The City Council shall also fix the water rates for customers outside of the City that are connected to the City water system. The City Council may separately enter into contracts or otherwise sell water in bulk to cities and other governmental units that are operating their own water distribution systems. Water rates shall be set by city council resolution to be effective beginning January of each year, and as revised thereafter. Water rates may be determined by factoring meter size, volume of water used, fixed charges, or any combination thereof or in any other manner authorized by state law. Charges commence when the street valve is turned on for water service. The Director of Public Works shall have the authority to make and enforce such rules and regulations as the Director shall deem appropriate to carry into effect the object and intent of this Code regarding the treatment, distribution, consumption or other use of City conveyed water, and to protect the property, interest and rights of the City. The Director of Public Works may make any rules and regulations concerning the tapping of any mains or branches, or making connections therewith, by any private parties or licensed plumbers, the Director deems appropriate. The City Council may revoke the license of any plumber licensed by the City who has disregarded the rules and regulations regarding the tapping of any mains or branches, or making connections therewith. The Director of Public Works may also make rules for the shutting off of water from any premises where rates are payable and remain unpaid. The owner of private property which property has upon it pipes connected to the City water system, shall, as well as the lessee or occupant of the premises, be liable to the City for the rents or rates of all water from the City used upon the premises. The City may recover the rates or rents for all water supplied to a property in an action against such owner, lessee or occupant, or against any or all of them.

Section 12. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-109
By B. Johnson and Glidden
Intro & 1st Reading: 10/31/2014
Ref to: COW
2nd Reading: 12/5/2014

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 525.100 of the above-entitled ordinance be amended to read as follows:

525.100. City planning commission.

(a) *Establishment.* The city planning commission is established by ~~Chapter 13~~ Article VII of the Minneapolis City Charter, ~~City Planning Department~~, and shall perform its duties and exercise its powers as provided therein.

(b) *Jurisdiction and authority.* The city planning commission shall have the following powers and duties in connection with the administration of this zoning ordinance:

- (1) To initiate amendments to the text of this zoning ordinance and to the zoning map.
- (2) To hear and make recommendations to the city council on proposed amendments to this zoning ordinance, including rezonings.
- (3) To initiate amendments to the comprehensive plan.
- (4) To hear and make recommendations to the city council on proposed amendments to the comprehensive plan.
- (5) To hear and decide applications for conditional use permit.
- (6) To hear and decide applications for major site plan review, pursuant to the procedures and standards set forth in Chapter 530, Site Plan Review.
- (7) To hear and decide applications for expansion of a nonconforming use and change of nonconforming use, pursuant to the procedures and standards set forth in Chapter 531, Nonconforming Uses and Structures.
- (8) To hear and decide applications for land use reviews, including but not limited to variances and certificates of nonconforming use, as part of concurrent review, pursuant to section 525.20
- (9) To hear and decide appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, planning director or other official in the administration or the enforcement of this zoning ordinance with respect to administrative review of permitted communication towers, antennas and base units, travel demand management plans, transfer of development rights, floor area ratio premiums, and site plan review except those involving single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units.
- (10) To recommend to the city council appointments to the board of adjustment.

(c) *Public hearings.* The city planning commission shall schedule public hearings not less than twice per month, except in those months where the chair determines that because of holiday schedules or the number of agenda items, one (1) meeting is sufficient to carry out the commission's duties. Such public hearings shall be noticed and conducted pursuant to the provisions of section 525.150.

(d) *Rules and procedures.* The city planning commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for its proper functioning, and select or appoint officers as it deems necessary. Such policies and procedures shall be consistent with the city charter and this zoning ordinance.

(e) *Compensation of city planning commission members.* The members or the representative of a member of the city planning commission, except those who are paid by the city or any other public body or agency for attending or serving on the commission, shall be paid at the rate of thirty-five dollars (\$35.00) for each official meeting attended with a limitation of one (1) meeting per day and four (4) meetings per month.

(f) *Membership.* The city planning commission shall consist of ten (10) members. Members shall serve for a term of two (2) years. Four (4) members shall be appointed by the mayor. Each year the mayor shall appoint two (2) members, who are city residents and not members of any body or board otherwise represented on the commission, to serve for terms of two (2) years each commencing on the first day of February of the year of their appointment. The city council shall appoint one (1) member, who is a city resident, in January of each even-numbered year. The city council, park and recreation board, and school board shall each elect one of their own members to serve on the city planning commission in January of each even-numbered year. One (1) member shall be the mayor or their representative. One (1) member shall be a representative selected by the board of county commissioners every two (2) years. Vacancies shall be filled for any unexpired term in the same manner as the appointment or selection is made.

Section 2. That Section 525.120 of the above-entitled ordinance be amended to read as follows:

525.120. Department of community planning and economic development.

(a) *Establishment.* The department of community planning and economic development is established in Article VII of the Minneapolis City Charter and Chapter 415 of this Code ~~and shall serve as the planning department for the city, as described in Chapter 13 of the City Charter.~~ The department of community planning and economic development shall perform its duties and exercise its powers as provided by law in such a way as the objectives of this zoning ordinance shall be observed.

(b) *Jurisdiction and authority.* The planning director or his or her authorized representative shall have the following powers and duties in connection with the administration of this zoning ordinance:

(1) To review and make recommendations regarding land use applications, as authorized by this zoning ordinance.

(2) To conduct surveys and studies for the purpose of recommending amendments to this zoning ordinance.

(3) To make comprehensive surveys and studies of conditions and trends for the purpose of recommending a comprehensive plan and amendments thereto.

(4) To perform the administrative review of applications for travel demand management plans, transfer of development rights, and floor area ratio premiums.

(5) To perform such duties and functions as directed by the city council and mayor.

Section 3. That this ordinance shall take effect on January 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

The COMMUNITY DEVELOPMENT & REGULATORY SERVICES Committee submitted the following reports:

CD&RS – Your Committee, to whom was referred an ordinance amending Title 13, Chapter 309 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Extended Hours of Operation, amending licensing and regulation of Temporary Hours of Operation licenses and adding a license fee to the license fee schedule, and having held a public hearing thereon, now recommends that Ordinance 2014-Or-110 be given its second reading for amendment and passage.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2014-Or-110
By A. Johnson
Intro & 1st Reading: 10/3/2014
Ref to: CD&RS
2nd Reading: 12/5/2014

Amending Title 13, Chapter 309 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Extended Hours of Operation.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That Section 309.10 of the above-entitled ordinance be amended to read as follows:

309.10. License required. No use that is open to the public shall operate outside of the hours allowed in the applicable zoning district pursuant to section 259.300 without first having obtained an extended hours of operation or temporary extended hours of operation license.

Section 2: That Section 309.20 of the above-entitled ordinance be amended to read as follows:

309.20. Fees. (a) The fees for an extended hours of operation and temporary extended hours of operation licenses shall be as established in Appendix J, the License Fee Schedule.

(b) All applicants shall pay a nonrefundable investigative filing fee as established in Appendix J, the License Fee Schedule.

Section 3: That Section 309.50 of the above-entitled ordinance be amended to read as follows:

309.50. Public hearing required. Upon the filing of the new business application which has not previously been licensed for extended hours, the licensing official shall refer the application to its standing committee on licenses for consideration and the conduct of a hearing thereon. The

licensing official shall notify, at least twenty-one (21) days in advance, by mail all residents, to the extent such notice is feasible, and property owners within three hundred (300) feet of the business requesting extended hours of the time and place at which such application shall be considered by the committee. Said notice shall go to all owners of record of property as identified in the records of the Hennepin County Department of Property Taxation. The licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing.

Section 4: That Chapter 309 of the above-entitled Ordinance be amended by adding thereto a new Section 309.55 to read as follows:

309.55. Exceptions. Section 309.50 shall not apply to temporary extended hours of operation licenses.

Section 5. That Chapter 309 of the above-entitled Ordinance be amended by adding thereto a new Section 309.80 to read as follows:

309.80 Temporary extended hours of operation license. (a) A business may obtain a temporary extended hours of operation license to remain open past their legal hours of operation for a period not to exceed 35 days in one calendar year.

(b) Application for temporary extended hours of operation license shall be made on forms provided by the licensing official. A business plan is required for approval of this license that contains the following elements:

(1) The hours they plan on extending their hours beyond their legal hours of operation;

(2) A security plan, reviewed by the local police precinct, that describes the security features, including personnel and equipment that the applicant will employ and how they will be utilized;

(3) Description of how the applicant will maintain the orderly appearance and operation of the premises with respect to litter and noise;

(c) A temporary extended license may be issued subject to the following conditions:

(1) Such license shall be issued for a period not to exceed 35 consecutive days.

(2) The applicant or licensee has not violated one (1) or more of the provisions Title 13 or 14 of this Code within the previous three (3) years.

(d) The city council may deny, revoke, or suspend a license for any of the following reasons:

(1) The existence of a temporary extended hours of operation license disturbs the peace, quiet or repose of surrounding residential or commercial areas.

(2) The existence of a temporary extended hours of operation license contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment.

(3) Failure to abide by the conditions of any previous temporary extended hours of operation license.

(4) Any violation of the terms of this chapter.

(5) Any other good cause related to the operation of the establishment.

(e) Licensing official to grant temporary extended hours of operation license in certain instances. When an application for a license for temporary extended hours of operation license has been filed too late to be considered on the regular agendas of the city council or the appropriate committee of the council prior to the scheduled date of the event, the licensing official may issue the license if the application is filed and complete, the fee including a fifty (50) percent late fee has been paid, and the required conditions listed above have been met. The licensing official may also deny, suspend or revoke those licenses which he/she has issued based on the reasons listed above for which the city council may deny, suspend or revoke such licenses. Notification shall be given to the council member representing the affected ward prior to the issuance of the license by the licensing official.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

CD&RS – Your Committee, to whom was referred an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General, amending the process for administrative hearings for business licenses, and having held a public hearing thereon, now recommends that Ordinance 2014-Or-111 be given its second reading for amendment and passage.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2014-Or-111
By Goodman
Intro & 1st Reading: 10/17/2014
Ref to: CD&RS
2nd Reading: 12/5/2014

Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 259 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 259.255 to read as follows:

259.255. Adverse license action evidentiary hearings authorized. Upon a determination by the licensing official to recommend adverse license action against a license or permit issued or applied for pursuant to Titles 10, 11, 12, 13 or 14, the licensing official may refer the matter to an administrative hearing officer pursuant to Title 1, Chapter 2 of this Code, to an administrative law judge or directly to an appropriate committee of the city council. All such evidentiary hearings conducted by an administrative hearing officer shall be for the purpose of developing a record and providing a recommendation to the city council and shall conform to the following procedures:

- (1) The hearing officer shall hear all relevant evidence and argument;
- (2) The hearing officer may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs;
- (3) The hearing shall be audio recorded and a record kept of documentary evidence submitted;
- (4) The hearing officer shall render a decision in writing within thirty (30) days after the close of the hearing which shall include findings of fact, conclusions of law and a recommendation regarding whether and what adverse license action is appropriate;
- (5) A copy of the hearing officer's recommendation shall be mailed to the license or permit holder or applicant and the recommendation and record shall be referred to the city council, which shall have final authority to impose any appropriate adverse license action;
- (6) The recommendation of the hearing officer shall be considered by the appropriate committee of the city council which may hear argument from the parties, but shall take no further evidence;
- (7) The final decision of the city council shall be mailed to the license or permit holder or applicant.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The ordinance was adopted.

CD&RS – Your Committee, having under consideration the issuance of revenue bonds on behalf of Catholic Eldercare and affiliates, to finance the acquisition and renovation of a facility at 900 2nd St NE, Minneapolis, and to refinance other outstanding bond debt, and having held a joint public hearing thereon with the Minneapolis Community Development Agency (MCDA) Operating Committee, now recommends the following:

- a) Passage of Resolution 2014R-485 giving preliminary and final approval to the issuance of up to \$5,000,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct MCDA Revenue Bonds, Series 2014 for Catholic Eldercare and affiliates; and
- b) Authorizing host approval for the issuance of Bank Qualified Bank Direct Revenue Bonds by the City of Lauderdale and the City of Mounds View for Catholic Eldercare and affiliates.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report and resolution were adopted.

Approved by Mayor Betsy Hodges 12/5/2014.

(Published 12/9/2014)

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-485

By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of Catholic Eldercare, authorizing the issuance of a revenue note of the Minneapolis Community Development Agency, consenting to the issuance of revenue notes by the City of Lauderdale and the City of Mounds View, and approving the execution of a cooperative agreement.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended, the City Council of the City of Minneapolis (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, Catholic Eldercare, a Minnesota nonprofit corporation, and its affiliates (the "Borrower") has requested the participation of the Agency, the City of Lauderdale, Minnesota (the "City of Lauderdale"), and the City of Mounds View, Minnesota (the "City of Mounds View") in undertaking the Project (hereinafter defined) through the issuance of a revenue note of the Agency (the "Agency Note") in a principal amount not to exceed \$5,000,000, a revenue note of the City of Lauderdale (the "Lauderdale Note") in a principal amount not to exceed \$10,000,000, and a revenue note of the City of Mounds View (the "Mounds View Note") in a principal amount not to exceed \$4,000,000; and

Whereas, the Borrower has proposed to apply the proceeds of the Agency Note, the Lauderdale Note, and the Mounds View Note (collectively, the "Notes") to (i) finance the acquisition, construction, and equipping of a transitional care unit consisting of the addition of 24 skilled nursing beds to the existing 150-bed skilled nursing facility (the "TCU Facility") located at 900 2nd Street NE in the City; (ii) fund capitalized interest during construction of the TCU Facility; (iii) refund the outstanding Variable Rate Demand Multifamily Housing Revenue Bonds (St. Hedwig's Assisted Living Project), Series 2002 (the "2002 Assisted Living Bonds"), issued by the City on December 23, 2002, in the original aggregate principal amount of \$7,570,000; (iv) refund the outstanding Variable Rate Demand Nursing Home Revenue Refunding Bonds (Catholic Eldercare Project), Series 2002 (the "2002 Nursing Home Bonds"), issued by the City on December 23, 2002, in the original aggregate principal

amount of \$9,580,000; (v) fund required reserves for the Notes, if any; and (vi) pay the costs of issuing the Notes (collectively, the “Project”); and

Whereas, the proceeds of the 2002 Assisted Living Bonds were used by Catholic Eldercare Community Services Corporation II, a Minnesota nonprofit corporation and an affiliate of the Borrower, to finance the acquisition, construction, and equipping of a 71-unit assisted living facility located at 2919 Randolph Street NE (commonly known as RiverVillage East) in the City; and the proceeds of the 2002 Nursing Home Bonds were used by the Borrower to (i) refinance the acquisition, construction, and equipping of the 150-bed skilled nursing facility located at 900 2nd Street NE (commonly known as Catholic Eldercare on Main) in the City (the “Skilled Nursing Facility”); and (ii) refinance the acquisition, construction, and equipping of a 51-unit assisted living multifamily rental housing facility located at 909 Main Street NE (commonly known as MainStreet Lodge) in the City; and

Whereas, the facilities to be financed and refinanced with the proceeds of the Notes (the “Facilities”) will be owned and operated by the Borrower and its affiliates; and

Whereas, the City, the City of Lauderdale, and the City of Mounds View are all authorized by Minnesota Statutes, Chapter 462C, as amended (the “Housing Act”), and Minnesota Statutes, Sections 469.152 through 469.1655, as amended (the “Industrial Development Act”), to issue the Notes to finance the Project and are therefore proposing to enter into a Cooperative Agreement, to be dated on or after December 1, 2014 (the “Cooperative Agreement”), pursuant to which the City, as host city, will consent to the issuance of the Lauderdale Note and the Mounds View Note and the financing and refinancing of the Facilities by the City of Lauderdale and the City of Mounds View, all in accordance with Minnesota Statutes, Sections 471.59 and 471.656, as amended; and

Whereas, prior to the issuance of the Lauderdale Note and the Mounds View Note by the City of Lauderdale and the City of Mounds View, respectively, the City Council of the City must conduct a public hearing on the Project and the issuance of the Lauderdale Note and the Mounds View Note pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder (the “Code”), the Housing Act, and the Industrial Development Act; and

Whereas, a notice of public hearing (the “Public Notice”) was published at least fifteen (15) days before the regularly scheduled meeting of the Community Development & Regulatory Services Committee of the Minneapolis City Council in *Finance and Commerce*, the official newspaper, and the *Star Tribune*, a newspaper circulating generally in the City, with respect to the required public hearing under Section 147(f) of the Code, the Housing Act, and the Industrial Development Act; and

Whereas, on November 18, 2014, the Community Development & Regulatory Services Committee of the Minneapolis City Council and the Operating Committee of the Agency’s Board of Commissioners jointly conducted a public hearing at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing, regarding the approval of the Project and the issuance of the Bonds by the Agency and the provision of host approval by the City for the issuance of the Lauderdale Note and the Mounds View Note; and

Whereas, on the date hereof, the Board of Commissioners of the Agency intends to adopt a resolution (the "Note Resolution") giving approval to the financing of the Project and the issuance of the Agency Note in the aggregate principal amount not to exceed \$5,000,000, the proceeds of which will be loaned to the Borrower for the purposes of refunding a portion of the outstanding Series 2002 Assisted Living Bonds and the Series 2002 Nursing Home Bonds, funding required reserves for the Agency Note, if any, and paying the costs of issuing the Agency Note;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the terms of the Note Resolution are incorporated herein by reference.

Be It Further Resolved that the City Council hereby gives preliminary and final approval to the issuance of the Agency Note by the Agency in the aggregate principal amount not to exceed \$5,000,000.

Be It Further Resolved that the Agency Note is hereby designated a "Program Bond" and is determined to be within the "Program," as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 1997R-402 of the City adopted December 12, 1997.

Be It Further Resolved that the Finance Officer of the City or his authorized delegate is hereby authorized and directed to execute the Cooperative Agreement, and when executed and delivered as authorized herein, the Cooperative Agreement shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Cooperative Agreement shall be substantially in the form on file with the City on the date hereof, which is hereby approved, with such necessary variations, omissions, and insertions as are not materially inconsistent with such forms and as the officers of the City, in their discretion, shall determine; provided that the execution thereof by the officers of the City shall be conclusive evidence of such determination.

Be It Further Resolved that this resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

Approved by Mayor Betsy Hodges 12/5/2014.

CD&RS – Your Committee, having under consideration the issuance of revenue bonds on behalf of the Tubman Project, to refinance outstanding bond debt for facilities in the cities of Minneapolis and Maplewood, and having held a joint public hearing thereon with the Minneapolis Community Development Agency (MCDA) Operating Committee, now recommends passage of Resolution 2014R-486 granting preliminary and final approval of

modifications to MCDA, Series 2010, 501(c)(3) Bank Qualified Bank Direct Tax-exempt Revenue Bonds for said project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-486
By Goodman

Giving approval to and authorizing the amendment of revenue bonds previously issued by the Minneapolis Community Development Agency on behalf of Tubman (the “Company”).

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended (“Chapter 595”), the City Council of the City of Minneapolis, Minnesota (the “City”) established the Minneapolis Community Development Agency (the “Agency”) and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, the Agency has previously issued its \$4,146,000 aggregate principal amount of Revenue Bonds (Tubman Project) Series 2010A, 2010B and 2010C (the “Bonds”), which are currently outstanding in the aggregate principal amount of approximately \$3,680,439, to refinance the Company’s facility located at 4432 Chicago Avenue South in the City, and to refinance and improve the Company’s facility located at 1725 Monastery Way in the City of Maplewood; and

Whereas, the Company and Bremer Bank, National Association, the holder of the Bonds, have proposed an amendment to the Bonds to adjust the interest rate thereon; and

Whereas, the Agency expects to give approval to the amendment of the Bonds by a resolution to be adopted on the date hereof;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives approval to the amendment by the Agency of the Bonds.

Be It Further Resolved that the amended Bonds are hereby designated as a “Program Bond” and is determined to be within the “Economic Development Program” and the “Program,” all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

Approved by Mayor Betsy Hodges 12/5/2014.

(Published 12/9/2014)

CD&RS - Your Committee, having under consideration the Rental Dwelling License held by Alfonso Morales/226 Maple, LLC for property at 3519 15th Ave S, Minneapolis, and a hearing having been held before an Administrative Hearing Officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling license be revoked, now recommends approval of the recommendation to revoke said license for failure to meet licensing standards pursuant to Section 244.1910 of the Minneapolis Code of Ordinances, and that said Findings on file in the office of the City Clerk be adopted and made a part of this report by reference.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report was adopted.

CD&RS – Your Committee recommends approval of the Department of Licenses and Consumer Services Agenda recommendations granting applications for Liquor, Business and Gambling licenses as set forth in Petition No. 277766 on file in the office of the City Clerk, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report was adopted.

Approved by Mayor Betsy Hodges 12/5/2014.

(Published 12/9/2014)

CD&RS - Your Committee recommends passage of Resolution 2014R-487 approving Business License Operating Conditions relating to the Pedicab License held by Twin Town Pedicabs, 917 5th Ave S, Minneapolis.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-487

By Goodman

Approving Business License Operating Conditions relating Pedicab License held by Twin Town Pedicabs, 917 5th Ave S, Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Pedicab License held by Twin Town Pedicabs, 917 5th Ave S, Minneapolis.

1. The licensee shall ensure that all the pedicab drivers are trained and adhere to city ordinances relating to traffic regulations, pedicab operation requirements and Twin Town Pedicab's Policy and Procedure Manual. A Copy of which will be supplied to the City Licensing Department upon request.
2. The licensee will conduct at least bi-weekly covert, self-monitoring observations of Twin Town Pedicab Drivers in operation and document the dates, times, locations and observations. These documents will be made available to City License Inspectors.
3. The licensee will institute an employee training program with emphasis on (1) traffic laws and regulations; (2) driver, passenger safety, (3) operating restrictions and conditions; (4) driver conduct when interacting with all city officials; (5) pedicab drivers must be operate in the same manner as a motor vehicle; (6) driving behavior such as constant U-turns, pulling out in front of vehicles at stop lights, running red lights, stop signs, passing on Nicollet Mall and in general operating as a bicycle will not be tolerated by Twin Town Management. A copy of this training program will be made available to City License Inspectors.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

CD&RS - Your Committee, having under consideration the Rental Dwelling License for property at 4942 Bryant Ave S, Minneapolis, held by Justin Hennig, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Regulatory Services to approve the reinstatement of said license.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report was adopted.

CD&RS - Your Committee, having under consideration the Rental Dwelling License for property at 1651 Penn Ave N, Minneapolis, held by Northside Home, LLC/Russ Barclay, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Regulatory Services to approve the reinstatement of said license.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report was adopted.

CD&RS - Your Committee recommends passage of Resolution 2014R-488 approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License held by DJ Financial LLC/Jeff Johnson, for the property at 4142 Girard Ave N, Minneapolis.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-488
By Goodman

Approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License held by DJ Financial LLC/Jeff Johnson, for the property at 4142 Girard Ave N, Minneapolis.

Whereas, a Rental License Conditions meeting was held on November 3, 2014, regarding the Rental Dwelling License for the above-mentioned property and the licensee did appear at the hearing; and

Whereas, pursuant to negotiations between the City of Minneapolis and the licensee, the parties agreed to a Stipulated Agreement in order to allow the licensee to retain the Rental Dwelling License for said property;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That DJ Financial LLC/Jeff Johnson be allowed to retain the Rental Dwelling License for the property located at 4142 Girard Ave N, Minneapolis, subject to the following Stipulated Agreement and Conditions, as on file in the office of the City Clerk:

1. The Respondent, DJ Financial LLC and Jeff Johnson, hereby agrees to verify and disclose to the Deputy Director of Housing Inspections within 2 weeks of signing this agreement, any and all properties he has any financial interest in, including the names of any LLC's, to include owners and partners of each LLC.
2. The Respondent, DJ Financial LLC and Jeff Johnson, hereby agrees to keep the rental license current on the property located at 4142 - Girard Avenue North.
3. The Respondent, DJ Financial LLC and Jeff Johnson, hereby agrees to implement and apply his management plan given to the Minneapolis Police Department c/o Luther Krueger, Crime Prevention Analyst, for the property located at 4142 - Girard Avenue North effective immediately.
4. The Respondent, DJ Financial LLC and Jeff Johnson, hereby agrees to attend a Rental Property Owner's Workshop within three months of signing the Stipulated Agreement.
5. The Respondent, DJ Financial LLC and Jeff Johnson, hereby agrees to stay in compliance with Minneapolis Code of Ordinance section 244.1910 – Licensing Standards. Specifically:
 - No Unpermitted Work at any of his properties.
 - No delinquent taxes, citations or fees to exist relating to the property.
 - No nuisance conditions on the property so the City has to send a contractor to clean up materials listed in Minneapolis Code of Ordinances Section 227.90 or requiring the City to mow the lawn.

6. The Respondent, DJ Financial LLC and Jeff Johnson, hereby agrees to allow a full rental license inspection to take place at the property on or before November 21st, 2014.
7. The Respondent, DJ Financial LLC and Jeff Johnson, hereby agrees to comply with any written orders issued by Housing Inspection Services in a timely manner such that an administrative enforcement method is not required to obtain compliance.
8. The Respondent, DJ Financial LLC and Jeff Johnson, hereby agrees not to add any new rental properties to his portfolio in the City of Minneapolis for a period of 18 months. The City of Minneapolis, Housing Inspections will review Mr. Johnson's portfolio after 12 months to possibly lift this restriction.
9. The Respondent, DJ Financial LLC and Jeff Johnson, hereby agrees that licensing standards have been violated at the above mentioned property and if any of the agreed upon conditions placed on this license are not complied with in the timeframe agreed upon; Housing Inspections will begin revocation action based on "Good Cause".
10. The Respondent, DJ Financial LLC and Jeff Johnson, hereby agree to the above stated conditions for a period of 18 months from the date of signature.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

CD&RS - Your Committee recommends passage of Resolution 2014R-489 approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License held by Gregory Collins for the property located at 1832-34 Ulysses St NE, Minneapolis.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-489
By Goodman

Approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License held by Gregory Collins for the property located at 1832-34 Ulysses St NE, Minneapolis.

Whereas, a Rental License Conditions meeting was held on October 23, 2014, regarding the Rental Dwelling License for the above-mentioned property and the licensee did appear at the hearing; and

Whereas, pursuant to negotiations between the City of Minneapolis and the licensee, the parties agreed to a Stipulated Agreement in order to allow the licensee to retain the Rental Dwelling License for said property;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Gregory Collins be allowed to retain the Rental Dwelling License for the property located at 1832-34 Ulysses St NE, Minneapolis, subject to the following Stipulated Agreement and Conditions, as on file in the office of the City Clerk:

1. That the owner, Gregory M. Collins, pay a penalty of \$1,500.00 plus \$300.00 in costs to the City of Minneapolis by October 24, 2014.
2. That the owner, Gregory M. Collins, abate all open orders at the property located at 1834 Ulysses Street N.E. by November 24, 2014.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

CD&RS – Your Committee, having under consideration property maintenance services for properties owned by the City of Minneapolis and managed by the Department of Community Planning & Economic Development (CPED), now recommends:

- a) That the proper City officers be authorized to execute a basic service agreement with each of the six selected respondents and an occasional property maintenance service agreement with each of the four selected respondents to CPED's Property Maintenance Request For Proposals;
- b) Approval for the length of the master service agreements to be for a period of three years, with an option to extend for two additional one-year terms.

On motion by Goodman, seconded, the report was amended by adding the following recommendation:

"c) That Hennepin County's Sentencing to Service program be exempted from the City's Living Wage requirements because the Living Wage requirements would conflict with the design of the County program."

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report, as amended, was adopted.

CD&RS – Your Committee recommends that the proper City officers be authorized to execute an agreement among the City of Minneapolis, Hennepin County and the Family Housing Fund with respect to funding of Heading Home Hennepin/Office to End Homelessness related activities.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report was adopted.

CD&RS – Your Committee recommends that the proper City officers be authorized to sign an Acknowledgement of Receptivity to an LCA Funding Award form for the projects recommended for Livable Communities Local Housing Incentive Account grant awards, as set forth in the Department of Community Planning & Economic Development staff report.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report was adopted.

CD&RS – Your Committee recommends passage of Resolution 2014R-490 authorizing submission of grant applications to the Hennepin County Transit-Oriented Development (TOD) Program and authorizing the proper City officers to execute cooperative agreements for the recommended County funded projects.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-490
By Goodman

Approving funding of various transit-oriented development projects.

Whereas, Hennepin County has established a transit-oriented development loan/grant program (TOD Program) which it intends to undertake as a multi-jurisdictional reinvestment program under Minnesota Statutes, section 383B.79, and housing or redevelopment project under Minnesota Statutes, section 383B.77; and

Whereas, eleven applications were submitted to the Hennepin County Housing and Redevelopment Authority (HRA) for projects located within the City of Minneapolis (City) in response to the 2014 Round 2 TOD Program solicitation; and

Whereas, the City supports ten of the projects located in the City prior to consideration for funding under the 2014 Round 2 TOD Program; and

Whereas, City approval is necessary in order to satisfy the requirements of a multijurisdictional reinvestment program and authorize Hennepin County or the Hennepin County HRA to undertake project activities within the jurisdiction of the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Statutes, sections 383B.77 and 383B.79, the City supports the transit-oriented development loan/grant applications submitted to the Hennepin County HRA by Nolan Properties Group for the 700 Central project at 708 Central Ave NE; 119 Seventh St SE; and 123 Seventh St SE.

Be It Further Resolved that pursuant to Minnesota Statutes, sections 383B.77 and 383B.79, the City supports the transit-oriented development loan/grant application submitted to the Hennepin County HRA by Hillcrest Development, LLLP for the 807 Broadway project at 807 Broadway Ave NE.

Be It Further Resolved that pursuant to Minnesota Statutes, sections 383B.77 and 383B.79, the City supports the transit-oriented development loan/grant application submitted to the Hennepin County HRA by Corridor Plaza, LLC for the Corcoran Triangle project at 3120 24th Ave S.

Be It Further Resolved that pursuant to Minnesota Statutes, sections 383B.77 and 383B.79, the City supports the transit-oriented development loan/grant application submitted to the Hennepin County HRA by Eastside Food Co-op for the Eastside Food Cooperative Expansion project at 2551, 2543, 2539, 2529 and 2535 Central Ave NE.

Be It Further Resolved that pursuant to Minnesota Statutes, sections 383B.77 and 383B.79, the City supports the transit-oriented development loan/grant application submitted to the Hennepin County HRA by Quest Development for the Flats on 46th project at 4022 46th St E.

Be It Further Resolved that pursuant to Minnesota Statutes, sections 383B.77 and 383B.79, the City supports the transit-oriented development loan/grant application submitted to the Hennepin County HRA by the City of Minneapolis for the Green 4th project at 4th St SE between 29th and Malcolm.

Be It Further Resolved that pursuant to Minnesota Statutes, sections 383B.77 and 383B.79, the City supports the transit-oriented development loan/grant application submitted to the Hennepin County HRA by Project for Pride in Living for the Hawthorne Eco Village project at 617 Lowry Ave N; 3113 Sixth St North; 3117 Sixth St N; 3110 Lyndale Ave N; and 3116 Lyndale Ave N.

Be It Further Resolved that pursuant to Minnesota Statutes, sections 383B.77 and 383B.79, the City supports the transit-oriented development loan/grant application submitted to the Hennepin County HRA by Eagle Iron Partners, LLC for Mill City Quarter project at 300 Second St S; 101 Third Ave S; and 428 Second St S.

Be It Further Resolved that pursuant to Minnesota Statutes, sections 383B.77 and 383B.79, the City supports the transit-oriented development loan/grant application submitted to the Hennepin County HRA by Greco, LLC and United Properties for the North Loop Washington Avenue project at 729 Washington Ave N; 753 Washington Ave N; and 728 Washington Ave N.

Be It Further Resolved that pursuant to Minnesota Statutes, sections 383B.77 and 383B.79, the City supports the transit-oriented development loan/grant application submitted to the Hennepin County HRA by Seward Redesign for the Seward Commons Phase III project at 2200-2218 Snelling Ave S.

Be It Further Resolved that the appropriate City staff may execute one or more cooperative agreements authorizing Hennepin County or the Hennepin County HRA to undertake the foregoing multijurisdictional reinvestment program projects in Minneapolis.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City to assist any of the foregoing projects nor shall the City be in any way responsible for any financing obligation or agreement of Hennepin County or the Hennepin County HRA with respect to their provision of financial assistance such projects.

Be It Further Resolved that the support expressed herein extends only to the powers of Hennepin County or the Hennepin County HRA with respect to the financial assistance the County or the HRA proposes to provide to the respective projects and the City shall retain all other powers and jurisdiction over matters relating to the City and the projects.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

CD&RS – Your Committee, having under consideration an interim management agreement for the Upper Harbor Terminal, now recommends approval for a waiver of the requirement for a request for proposals process and that the proper City officers be authorized to finalize and execute an interim management agreement with River Services, Inc. for the Upper Harbor Terminal in accordance with the term sheet contained in the Department of Community Planning & Economic Development staff report, for a period of up to three years beginning January 1, 2015, and with a 2015 maximum amount of \$870,000, contingent upon sufficient appropriation being authorized by the 2015 budget.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report was adopted.

Approved by Mayor Betsy Hodges 12/5/2014.

(Published 12/9/2014)

CD&RS – Your Committee, having under consideration the proposal by Broadway Flats, LLLP for development of mixed use affordable rental housing and commercial/retail space at 2220 W Broadway Ave (additional addresses 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Ave N, and portion of 2512 Queen Ave N), and having held a public hearing thereon, now recommends:

a) Passage of the accompanying resolutions:

1) Resolution 2014R-491 giving final approval to the issuance of up to \$13.9 million in Tax-Exempt Multi-family Housing Entitlement Revenue Bonds for the Broadway Flats Avenue project;

2) Resolution 2014R-492 authorizing sale of properties at 2413, 2423, 2425, 2503, 2507 and 2511 Penn Ave N to Broadway Flats, LLLP or an affiliate for \$152,256;

b) That the proper City officers be authorized to enter into a Redevelopment Contract and related documents in accordance with the terms set forth in the Department of Community Planning & Economic Development staff report;

c) That the Mayor and City Clerk be authorized to sign a joint application for a Certificate of Possessory Title and appropriate City staff to sign a Registered Land Survey on the land to be included in the Broadway Flats Project.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report and resolutions were adopted.

Approved by Mayor Betsy Hodges 12/5/2014.

(Published 12/9/2014)

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2014R-491
By Goodman

Authorizing the issuance of bonds, in a principal amount not to exceed \$13,900,000 in the form of Housing Revenue Bonds (Broadway Flats Apartments Project), Series 2015, and approving and authorizing the execution of various documents in connection therewith.

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C, as amended (the "Act"), a city is authorized to carry out programs for the financing of multifamily housing for persons of low and moderate income, and to authorize its housing and redevelopment authority to act on its behalf; and

Whereas, the City Council (the "City Council") of the City of Minneapolis (the "City") has prepared the Housing Plan for Local Housing for the City of Minneapolis, Minnesota, revised June, 1984 (the "Plan") which plan was adopted pursuant to the Act on July 13, 1984; and

Whereas, the Act requires adoption of a housing finance program after a public hearing held thereon for which notice was published in a newspaper of general circulation in the City at least fifteen (15) days in advance of the hearing; and

Whereas, there has been proposed a program (the "Program") for the issuance of up to \$13,900,000 of one or more of its tax-exempt Housing Revenue Bonds (Broadway Flats Apartments Project), Series 2015 (the "Bonds") to finance the acquisition and construction by Broadway Flats, LLLP, a Minnesota limited liability limited partnership (the "Developer"), of a 103-unit multifamily rental housing development and facilities functionally related and subordinate thereto, located at 2220 West Broadway Avenue in the City (the "Project"); and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City held a public hearing on the Program and proposed issuance of the Bonds after at least 15 days published notice thereof and after submission of the Program to the Metropolitan Council for review and comment; and

Whereas, the City on November 18, 2014 did conduct a public hearing on the Program; and

Whereas, the Council has been advised by The Sturges Company, representing the Developer, that on the basis of information available to them, the Project is economically feasible; and

Whereas, the City desires to facilitate the development of rental housing within the community, encourage the preservation of affordable housing opportunities for residents of the City, encourage the preservation of housing facilities designed for occupancy by persons of low or moderate income within the boundaries of the City, and the maintenance of affordable units in the Project would assist the City in achieving these objectives; and

Whereas, the Program will result in the provision of decent, safe and sanitary rental housing opportunities to persons within the community; and

Whereas, this City Council has been advised that conventional, commercial financing to pay the capital costs of the Program is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but the City

Council has been further advised that with the aid of municipal financing and resulting low borrowing costs, the Project is economically more feasible; and

Whereas, the staff of the City considers the proposed Program to be in furtherance of the housing policies of the State of Minnesota as stated in the Act and of the City as stated in the Plan; and

Whereas, the program is to be financed from the proceeds of the Bonds, to be issued by the City, and the revenues from the Project (as defined below) shall be pledged for the security and payment of the Bonds (except as may otherwise be set forth in the Indenture and Loan Agreement hereinafter referred to); and

Whereas, the proceeds of the Bonds will be used by the City to fund a loan to the Developer to finance the acquisition and construction of the Project; and

Whereas, the Developer has requested that the City issue the Bonds for the benefit of the Developer, pursuant to the terms of a Trust Indenture, dated on or after January 1, 2015 (the "Indenture"), between the City and a trustee to be selected by the Developer (the "Trustee"); and

Whereas, the Developer has requested that the City loan the proceeds derived from the sale of the Bonds to the Developer pursuant to the terms of a Loan Agreement, dated on or after January 1, 2015 (the "Loan Agreement"), between the City and the Developer, and the Developer proposes to apply the proceeds of the loan made pursuant to the terms of the Loan Agreement (the "Loan") to the payment of a portion of the costs of the acquisition, construction, and equipping of the Project and related costs; and

Whereas, the Bonds will be issued pursuant to the terms of the Indenture and this resolution and the Bonds and the interest on the Bonds: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City; and

Whereas, forms of the following documents (including the exhibits referred to therein) have been submitted to the City:

- a) The Bonds;
- b) The Loan Agreement;
- c) The Indenture;
- d) A Regulatory Agreement, dated on or after January 1, 2015 (the "Regulatory Agreement"), between the City, the Developer, and the Trustee, entered into to ensure continuing compliance with certain rental and occupancy restrictions imposed by the Act and Section 142(d) of the Code, and to ensure continuing compliance with certain restrictions imposed by the City;
- e) A Bond Purchase Agreement, dated on or after the pricing date of the Bonds, between the City, the Developer, and The Sturges Company, as original purchaser of the Bonds.

The agreements described and referred to in paragraphs a through e above shall hereinafter sometimes be referred to collectively as the "Agreements";

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That it is hereby found, determined and declared that:

- 1) The preservation of the quality of life in the City is dependent upon the maintenance, provision and preservation of an adequate housing stock which is affordable to persons and families of low or moderate income, that accomplishing this is a public purpose, and that many would-be providers of housing units in the City are either unable to afford mortgage credit at present market rates of interest or are unable to obtain mortgage credit because the mortgage credit market is severely restricted.
- 2) The development and implementation of the Program, and the issuance of the Bonds by the City, and the execution and delivery of the Agreements and the performance of all covenants and agreements of the City contained therein and of all other acts and things required under the Constitution and Laws of the State of Minnesota to make the Agreements and the Bonds valid and binding obligations of the City in accordance with their terms, are authorized by the Act.
- 3) The implementation of the Program for the purposes and in the manner contemplated by the Agreements conforms or will conform to all pertinent statutes, regulations and ordinances of the State of Minnesota and the City.
- 4) It is desirable that the Bonds be issued by the City, in an aggregate principal amount not to exceed \$13,900,000, on the terms set forth in the Resolution, the Indenture, the Loan Agreement, the Regulatory Agreement and the Bonds.
- 5) The payments required or provided for by the Agreements are intended to produce income and revenues sufficient to provide for the payment when due of principal of and interest on the Bonds issued under the Resolution, and payments are required to be made for such expenses of, among other things, administration of the Program as will be necessary to protect the interests of the City.
- 6) Pursuant to the provisions of the Act, and as provided in the Agreements, the Bonds shall be retired solely from the revenues of the Project.

Be It Further Resolved that the Agreements in substantially the forms submitted to the City at this meeting are hereby approved. Such of the documents as require the execution of the City are hereby authorized and directed to be executed or accepted, as the case may be, and delivered in the name and on behalf of the City by its Finance Officer upon execution thereof by the parties thereto as appropriate. The Bonds and the Agreements shall be executed and delivered as provided therein. Copies of all the documents necessary for the consummation of the transactions described herein and in the Agreements shall be delivered, filed and recorded as provided herein and in the Agreements.

Be It Further Resolved that the form and terms of the Agreements may be varied prior to execution and delivery by the parties thereto, provided that any such variance shall not be, in the opinion of the City's legal counsel and the Finance Officer, materially adverse to the interests of the City. The execution and delivery of the Agreements as provided above shall be conclusive evidence of the determination that any such variance was not materially adverse to the interests of the City.

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Bonds, which issuance is approved, substantially in the forms and upon the terms set forth in the Agreements and the Bonds, the terms of which are for this purpose incorporated in this Resolution and made a part hereof as if fully set forth herein. The Bonds shall be dated as of the date and shall mature on the dates (subject to redemption on such earlier dates as provided in the Bonds), bear interest and be payable at the rates, all determined as set forth in the Agreements and the Bonds, to be approved, executed and delivered by the officers of the City authorized to do so by the provisions of this Resolution, which approval shall be conclusively evidenced by such execution and delivery; provided that such rates shall result in an average coupon rate not greater than two percent (2.0%) per annum with respect to the Bonds.

Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the Program are hereby approved, ratified and confirmed.

Be It Further Resolved that the Bonds are hereby designated "Program Bonds" and are determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-030 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Be It Further Resolved that the execution of said Bonds to the Purchaser is hereby approved, and the Bonds are hereby directed to be delivered to the Purchaser, upon the terms and conditions set forth in the Agreements and the Bonds. The Finance Officer of the City is hereby authorized and directed to prepare and execute by manual or facsimile signature the Bonds as described in the Agreements and to deliver it to the Purchaser together with a certified copy of this Resolution, and the other documents required by the Agreements.

Be It Further Resolved that the Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Bonds, a certificate as to arbitrage and rebate, and similar documents, appropriate amendments to the Housing Program, and all other documents and certificates as the Finance Officer shall deem to be necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds. The City hereby authorizes Kutak Rock LLP, as bond counsel to the City in connection with this financing ("Bond Counsel"), to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

Be It Further Resolved that the City will not participate in the preparation of an official statement or other disclosure document relating to the offer and sale of the Bonds (the "Disclosure Document"), and will make no independent investigation with respect to the information contained in the Disclosure Document, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. The City hereby approves the Continuing Disclosure Agreement, dated on or after January 1, 2015 (the "Continuing Disclosure Agreement"), between the Developer and the Trustee, in the form now on file with the City.

Be It Further Resolved that all covenants, stipulations, obligations and agreements of the City contained in this Resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the City. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City by the provisions of this Resolution or of

the aforementioned documents shall be exercised or performed by the City or by such members of the City, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council nor any officer or employee executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the Bonds or in any other document related to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Project, the proceeds of which are to be applied to the payment of the Bonds, as provided therein and in the Agreements. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds, or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this Resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City or any holder of the Bonds issued under the provisions of this Resolution, any right, remedy or claim, legal or equitable, under and by reason of this Resolution or any provision hereof, this resolution, the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and any holder from time to time of the Bonds issued under the provisions of this Resolution.

Be It Further Resolved that in case any one or more provisions of this Resolution, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, or of the aforementioned documents, or of the Bonds, but this Resolution, the aforementioned documents, the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Be It Further Resolved that the Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this Resolution, to the issuance of the Bonds and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this Resolution, and precedent to issuance of the Bonds, and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that in the event any of the officers of the City authorized to execute documents on behalf of the City under this resolution have resigned or shall for any reason be unable to do so, any member of the City, or officer of the City, is hereby directed and authorized to do so on behalf of the City, with the same effect as if executed by the officer authorized to do so in this Resolution.

Be It Further Resolved that the City hereby allocates up to \$13,900,000 of its 2015 (or carryover) entitlement authority to issue tax-exempt bonds pursuant to Minnesota Statutes, Chapter 474A, to the Bonds, the actual amount of such allocation to be in the aggregate principal amount of Bonds issued.

Be It Further Resolved that this Resolution shall take effect upon publication.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

Approved by Mayor Betsy Hodges 12/5/2014.

RESOLUTION 2014R-492

By Goodman

Authorizing sale of land Penn Avenue North Redevelopment Project Area Disposition Parcels VH-559 at 2413 Penn Ave N, VH-450, 2423 Penn Ave N, VH-448 at 2425 Penn Ave N, VH-268 at 2503 Penn Ave N, TF-534 at 2507 Penn Ave N and VH-449 2511 Penn Ave N.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels VH-559, VH-450, VH-448, VH-268, TF-534 and VH-449, in the Jordan neighborhood, from Broadway Flats, LLLP, or an affiliate, hereinafter known as the Redeveloper, the Parcels VH-559, VH-450, VH-448, VH-268, TF-534 and VH-449, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTIONS:

VH-559; 2413 Penn Av N: Lot 11, Block 1, "Wenz Addition to Minneapolis", according to the recorded plat thereof, and situate in Hennepin County, Minnesota, together with that portion of vacated alley which accrued thereto by reason of the vacation thereof;

VH-450; 2423 Penn Av N: Lot 9, Block 1, Wenz Addition to Minneapolis, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, together with that portion of vacated alley which accrued thereto by reason of the vacation thereof;

VH-448; 2425 Penn Av N: Lot 8, Block 1, Wenz Addition to Minneapolis, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, together with that portion of vacated alley which accrued thereto by reason of the vacation thereof;

VH-268; 2503 Penn Av N: Lot 7, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota, together with that portion of vacated alley which accrued thereto by reason of the vacation thereof;

TF-534; 2507 Penn Av N: Lot 6, Block 1, "Wenz Addition to Minneapolis", Hennepin County, Minnesota, together with that portion of vacated alley which accrued thereto by reason of the vacation thereof;

VH-449; 2511 Penn Av N: Lots 4 and 5, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota, together with that portion of vacated alley which accrued thereto by reason of the vacation thereof; and

Whereas, the Redeveloper has offered to pay the sum of \$152,256.00 for Parcels VH-559, TF-534, VH-450, VH-448, VH-268 and VH-449 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcels; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on November 7, 2014, a public hearing on the proposed sale was duly held on November 18, 2014, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Whereas, that certain land owned by Broadway Flats, LLLP at 2220 West Broadway, 2512 Queen Av N and 2419 Penn Av N and those certain parcels of land owned by the City of Minneapolis at 2413, 2423, 2425, 2503, 2507 and 2511 Penn Av N should be registered as Torrens property with the Hennepin County Registrar of Titles;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Penn Avenue North Redevelopment Plan, as amended, is hereby estimated to be the sum of \$152,256 for Parcels VH-559, TF-534, VH-450, VH-448, VH-268 and VH-449.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate City official of the City.

Be It Further Resolved that the City is authorized to file a joint application for a Certificate of Possessory Title to be signed by the Mayor and the City Clerk, pursuant to Minnesota Statutes, Chapter 508.03(6) and a Registered Land Survey to be signed by appropriate City staff for the properties included in the Broadway Flats Project including the properties approved for sale in this Resolution.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

Approved by Mayor Betsy Hodges 12/5/2014.

The COMMUNITY DEVELOPMENT & REGULATORY SERVICES, TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS Committees submitted the following report:

CD&RS, T&PW & W&M – Your Committee, having under consideration the Convention Center Hotel Parking Ramp Lease between the Minneapolis Community Development Agency (MCDA), as landlord and the City of Minneapolis, as tenant, now recommends that the proper City officers be authorized to execute an amendment to Contract #7257 – “Convention Center Hotel Parking Ramp Lease” to renew the lease for an additional 10 years, effective April 1, 2014, and to set the GarageKeepers Legal Liability Insurance limits to \$10,000,000.

Further, that staff be directed to research what it would require to move this ramp into the governance and financial structure of the City of Minneapolis and out of the MCDA as an entity, and that the subject matter be forwarded to the MCDA Board of Commissioners.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report was adopted.

The COMMUNITY DEVELOPMENT & REGULATORY SERVICES and WAYS & MEANS Committees submitted the following reports:

CD&RS & W&M – Your Committee, having under consideration the proposal by Broadway Flats, LLLP for development of mixed use affordable rental housing and commercial/retail space at 2220 W Broadway Ave (additional addresses 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Ave N, and portion of 2512 Queen Ave N), and having held a public hearing thereon, now recommends:

a) Passage of the accompanying resolutions:

1) Resolution 2014R-493 approving the Broadway Flats Tax Increment Financing (TIF) Plan;

2) Resolution 2014R-494 establishing the Community Planning & Economic Development Agency Broadway Flats Fund (01CFL-8900000) and approving an initial appropriation of \$5,000;

3) Resolution 2014R-495 authorizing the issuance of a limited revenue pay-as-you-go TIF note to Broadway Flats, LLLP, in a principal amount not exceed \$1,424,300;

b) Approval of the proposed redevelopment contract and business terms set forth in the Department of Community Planning and Economic Development staff report; and

c) That the proper City officers be authorized to execute a redevelopment contract, loan agreement and any other necessary documents related to the above recommendation actions with Broadway Flats, LLLP or an affiliated entity.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report and resolutions were adopted.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2014R-493
By Goodman and Quincy

Approving the Broadway Flats Tax Increment Financing Plan and establishing the Broadway Flats Tax Increment Financing District.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing ("TIF") districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. By Resolution 2012R-018 duly adopted January 27, 2012 and approved January 31, 2012, the City approved the Penn Avenue North Redevelopment Plan and thereby established the Penn Avenue North Redevelopment Project (the "Project Area").

1.3. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, the Broadway Flats TIF Plan (the "TIF Plan"). The TIF Plan creates a new housing TIF district (the "TIF District") within the Project Area, designates property to be included in the TIF District, states the City's objectives, describes proposed development activity, and identifies a budget for expenditures. These actions are all pursuant to and in accordance with the Project Laws.

1.4. The City has performed all actions required by law to be performed prior to the adoption of the TIF Plan, including, but not limited to, a review of the TIF Plan by the affected neighborhood group and the City Planning Commission, transmittal of the TIF Plan to the Hennepin County Board of Commissioners and the Board of Education of Special School District No 1 for their review and comment, and the holding of a public hearing upon published notice as required by law.

Section 2. Findings and Election

2.1. The Council hereby finds, determines and declares that the objectives and actions authorized by the TIF Plan are all pursuant to and in accordance with the Project Laws.

2.2. The Council further finds, determines and declares that the TIF Plan conforms to the general plan for the development or redevelopment of the city as a whole. Written comments of the City Planning Commission with respect to the TIF Plan were issued on October 27, 2014, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.3. The Council further finds, determines and declares that the TIF Plan will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of the Project Area and TIF District by private enterprise.

2.4. The Council further finds, determines and declares that the land in the TIF District would not be made available for redevelopment without the financial aid and public assistance to be sought.

2.5. The Council further finds, determines and declares that the TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11.

2.6. The Council further finds, determines and declares that the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future.

2.7. The Council further finds, determines and declares that the reasons and facts supporting the findings in this resolution are described in the Plans.

2.8. The Council elects the method of computation provided in Minnesota Statutes, Section 469.177, Subdivision 3, Paragraph (a). The Council acknowledges that, by making this election, the entire fiscal disparity contribution required of the City for development occurring within this district will be taken from outside the TIF District.

2.9. The Council hereby finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the TIF Plan.

Section 3. Approval of the TIF Plan

3.1. Based upon the findings set forth in Section 2 hereof, the TIF Plan presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the TIF Plan

4.1. After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of the TIF Plan, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, plans, resolutions, documents and contracts necessary for this purpose.

4.2. As provided under Minnesota Statutes, Section 469.178, Subdivision 7, this Council hereby authorizes the advance of revenues from other available development revenues of the City in the principal amount needed to offset any negative fund balances incurred with respect to this TIF District as a result of expenditures incurred prior to or in excess of the collection of tax increment revenue. The interest rate paid on such advances shall be equal to the rate of interest those revenues would have generated in their fund. In no event will the rate of interest charged on the advance exceed the statutory maximum set forth at Minnesota Statutes, Section 469.178, Subdivision 7. The term of this advance shall end upon the termination of the TIF District, although as revenues are available in the fund for the TIF District, the advance shall be offset by such amounts.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

RESOLUTION 2014R-494
By Goodman and Quincy

Amending the 2014 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by establishing the Department of Community Planning and Economic Development Broadway Flats Fund (01CFL-8900000) and appropriating \$5,000 in said Fund.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

DECEMBER 5, 2014

**RESOLUTION 2014R-495
By Goodman and Quincy**

Approving the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$1,424,300 in connection with the Broadway Flats Housing Project.

Whereas, the City of Minneapolis (the "City"), acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, has certain powers, including without limitation the powers set forth in Minnesota Statutes, Sections 469.001 through 469.047, as amended (the "HRA Act") and Minnesota Statutes, Sections 469.174 through 469.179, as amended (the "TIF Act"); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the City, and the development of housing for persons of low and moderate incomes, and in this connection the City is carrying out a housing development project known as the Broadway Flats Housing Project (the "Project") pursuant to the Penn Avenue North Redevelopment Plan approved January 27, 2012 (the "Redevelopment Plan"); and

Whereas, pursuant to the TIF Act and in furtherance of the Redevelopment Plan, the City has approved the Broadway Flats Tax Increment Financing Plan approved December 5, 2014 (the "TIF Plan"); and

Whereas, pursuant to the TIF Plan and the TIF Act, specifically Minnesota Statutes, Section 469.178, subd. 4, the City is authorized to issue its tax increment limited revenue note(s) to finance the public redevelopment costs of the Project; and

Whereas, the City has entered or will enter into a redevelopment contract (the "Redevelopment Contract") with Broadway Flats, LLLP, a Minnesota limited liability limited partnership (or an affiliated entity) (the "Developer"), pursuant to which the City will provide tax increment financing assistance and the Developer will develop a 103-unit, affordable workforce rental housing project and related site and public improvements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That it is desirable that the City issue a tax increment limited revenue note (the "Note") in substantially the following form:

FORM OF TIF NOTE

Broadway Flats Housing _____
Tax ID # _____

**UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF MINNEAPOLIS**

**TAX INCREMENT LIMITED REVENUE NOTE
(Broadway Flats Housing Project)**

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Broadway Flats, LLLP, a Minnesota limited liability limited partnership (or an affiliated entity) (the "Developer"), solely from the source, to the extent, and in the manner hereinafter provided, the principal amount of this Note, being One Million Four Hundred Twenty-Four Thousand Three Hundred and No/100 Dollars (\$1,424,300.00) or such lesser amount as may equal the certified Public Costs as described in Section _____ of the Contract, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note shall have the meanings below:

"Available Tax Increment" means the Tax Increment received by the City during the period preceding each Payment Date, less (i) the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to *Minnesota Statutes*, Sections 469.177, Subd. 9; 469.176, Subd. 4h; and 469.175, Subd. 1a, as the same may be amended from time to time; and (ii) actual administrative costs of the City in an amount not to exceed 10% of the Tax Increment.

"Certificate of Completion" means a Certificate issued by the City to the Developer pursuant to Section 5.04 of the Contract certifying that Minimum Improvements have been substantially completed.

"Contract" means that certain Redevelopment Contract by and between the City and Broadway Flats, LLLP (or an affiliated entity), dated _____, 201__.

"Declaration of Restrictive Covenants" means the Declaration of Restrictive Covenants executed by the Developer in favor of the City dated _____, 201__ that is filed against the Property.

"District" means the Broadway Flats Tax Increment Financing District within the Redevelopment Project.

"Improvements" means 103 affordable workforce rental housing Units plus _____ underground parking spaces and related improvements as described in the Contract.

"Maturity Date" means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.

"Minimum Improvements" means new construction of 103 affordable workforce rental housing units, _____ underground parking spaces and related improvements as described in the Contract.

"Note Rate" means _____ and ____/100th percent (____%) compounded interest per annum calculated on a 360-day-year basis.

"Payment Date" means August 1 of the year of first increment collection from the District and each August 1 and February 1 thereafter until the Maturity Date, provided that in no event will any payment date occur before the City's issuance of the Certificate of Completion under the terms of the Contract.

"Property" means the real property legally described in the attached **Exhibit A**, upon which the Minimum Improvements will be constructed.

"Public Costs" means actual Public Costs as defined in the Contract, not in excess of \$1,424,300 related to the Minimum Improvements and which are approved by the City pursuant to the Contract.

"Public Costs Certification" means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Costs pursuant to the terms of the Contract.

"Redevelopment Project" means the Penn Avenue North Redevelopment Project, which includes the Property.

"Tax Increment" means that portion of the property taxes generated by the Property and Improvements that is actually remitted to the City as tax increment under the Tax Increment Act.

"Tax Increment Act" means *Minnesota Statutes*, Section 469.174-469.179, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. If, after issuance of the Certificate of Completion the Developer is in default under the Contract or Declaration of Restrictive Covenants, and, after notice by the City to the Developer as provided in Section 9.02 of the Contract, such default has not been cured within the time period provided in the Contract, then the City may suspend payment on this Note until the default is cured or the City's obligations under this Note are terminated. If payments are suspended due to a Default under the Declaration of Restrictive Covenants, the City is not obligated to pay to the Developer the amount of the suspended payments that would otherwise have been paid to the Developer between the date the payment is suspended and the date the default is cured. Otherwise, if the City suspends payments due under this Note, the City shall make the suspended payments to the Developer within ten (10) business days after the Developer's cure of the Default to the City's satisfaction. In no event is the City obligated to pay interest on the amount of the suspended payments between the date the payment is suspended and the last date on which the City is obligated to make the suspended payment to the Developer. To the extent that on any Payment Date there is insufficient Available Tax Increment to make a scheduled payment, such failure to make a scheduled payment shall not constitute a default under this Note. If the Developer or other Improvements' owner fails to pay all or a portion of the property taxes due and owing on the Improvements, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

Interest shall accrue on the initial principal amount of this Note from the date of issue of the Public Costs Certification. Each payment under this Note, whether a scheduled payment or any other payment, shall be applied first to current interest, then to accrued unpaid interest and then to the unpaid principal amount of this Note.

On the Maturity Date, this Note shall be deemed paid in full and the City shall have no further obligation under this Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this Note has been paid in full. This Note may be prepaid in full or in part at any time without penalty.

DECEMBER 5, 2014

Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by wire transfer, check or draft made payable to the Developer and mailed to the Developer at _____, Minneapolis, MN 554____, or such other address as the Developer shall provide in writing to the City's notice address as set forth in the Contract.

The Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including *Minnesota Statutes*, Section 469.178, subdivision 4, to aid in financing a "project", as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Developer within and for the benefit of the Project.

THE NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE "STATE"), OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA, EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, AND NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY, SHALL BE LIABLE ON THE NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, NOR SHALL THE NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT AS SET FORTH HEREIN.

This Note shall not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter reasonably acceptable to the City.

This Note shall not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified. Only Tax Increment generated by the Property or Improvements shall go toward payment of this Note.

The Developer shall never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this Note shall be liable personally hereon by reason of the issuance of registration thereof or otherwise.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this Note is issued pursuant to the Tax Increment Act; and that this Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, the City of Minneapolis, by action of its City Council, has caused this Note to be executed by the manual signature of its Finance Officer, and has caused this Note to be dated _____, 201__.

CITY OF MINNEAPOLIS

By _____
Kevin Carpenter
Its Finance Officer

Approved as to form:

Assistant City Attorney

EXHIBIT A TO TIF NOTE

Description of the Property

[Legal Description of the Property to be inserted at Closing]

2. Be It Further Resolved that the form of the Note is hereby approved and shall be executed by the Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the Finance Officer may approve, which approval shall be conclusively evidenced by the execution thereof.
3. Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the issuance of the Note is hereby approved, ratified and confirmed.
4. Be It Further Resolved that the issuance of said Note is hereby approved and the TIF Note is hereby directed to be issued to the Developer (or an affiliated entity) upon the terms and conditions set forth in the Redevelopment Contract.
5. Be It Further Resolved that the Finance Officer is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the Note.
6. Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues which are to be applied to the payment of the Note, as provided therein and in the Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment hereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.
7. Be It Further Resolved that the Note, when executed and delivered, shall contain a recital that it is issued pursuant to the TIF Act, and such recital shall be conclusive evidence of the validity of the Note and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Note and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Note and

precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

8. Be It Further Resolved that this resolution shall be in full force and effect from and after its date of publication.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

CD&RS & W&M – Your Committee recommends passage of Resolution 2014R-496 approving Modification No. 1 to the 50th and France Tax Increment Finance (TIF) Plan, which increases the TIF Plan budget to include interest costs in order to more accurately reflect the projected TIF revenues and expenditures over the life of the District, as set forth in the Department of Community Planning and Economic Development staff report.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-496
By Goodman and Quincy

Approving Modification No 1 to the 50th and France TIF Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the “City”), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing (“TIF”) districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the “Project Laws”).

1.2. By Resolution 98R-212 duly adopted June 26, 1998 and approved July 1, 1998, the City approved the 50th and France TIF Plan (the “TIF Plan”) and thereby established the 50th and France TIF District (the “District”).

1.3. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, Modification No 1 to the TIF Plan (“Modification No 1”). Modification No 1 increases the TIF Plan budget to include interest costs in order to more accurately reflect the projected TIF revenues and expenditures over the life of the District. This action is pursuant to and in accordance with the Project Laws.

1.4. The City has performed all actions required by law to be performed prior to the approval of Modification No 1, including, but not limited to, a review of Modification No 1 by the affected neighborhood group and the City Planning Commission, transmittal of Modification No 1 to the

Hennepin County Board of Commissioners and the Board of Education of Special School District No 1 for review and comment, and the holding of a public hearing upon published notice as required by law.

Section 2. Findings

2.1. The Council hereby finds, determines and reaffirms the findings made in Resolution 98R-212.

2.2. The Council further finds, determines and declares that the objectives and actions authorized by Modification No 1 are all pursuant to and in accordance with the Project Laws.

2.3. The Council further finds, determines and declares that Modification No 1 conforms to the general plan for the development or redevelopment of the city as a whole. Written comments of the City Planning Commission with respect to Modification No 1 were issued on October 27, 2014, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.4. The Council hereby finds, determines and declares that it is necessary and in the best interests of the City at this time to approve Modification No 1.

Section 3. Approval of the Modification

3.1. Based upon the findings set forth in Section 2 hereof, Modification No 1 presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modification

4.1. After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of Modification No 1, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, plans, resolutions, documents and contracts necessary for this purpose.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

CD&RS & W&M – Your Committee recommends passage of Resolution 2014R-497 authorizing the carryforward of \$48,759,326 of the 2014 Tax Exempt Multi-family Housing Entitlement Revenue Bonds for Multifamily Housing programs.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-497
By Goodman and Quincy

Authorizing carryforward of unused private activity bond volume cap.

Whereas, the City of Minneapolis, Minnesota (the "City") is an "entitlement issuer" within the meaning of Minnesota Statutes, Section 474A.02, subd. 7; and

Whereas, the City's entitlement allocation of private activity bond volume cap for 2014 under Minnesota Statutes, Chapter 474A.03, subd. 2a is \$48,759,326; and

Whereas, the City does not expect to issue any private activity bonds allocable to its 2014 entitlement allocation on or prior to December 31, 2014; and

Whereas, the City may, under § 146(f) of the Internal Revenue Code of 1986, as amended, and under Minnesota Statutes, Chapter 474A, “carryforward” all or a portion of the City’s unused entitlement allocation; and

Whereas, it is in the best interest of the public health, safety and welfare that the City carryforward for qualified carryforward purposes its 2014 entitlement allocation remaining unused on December 31, 2014;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City hereby elects to carryforward its entire 2014 entitlement allocation remaining unused on December 31, 2014, for qualified residential rental bonds.

Be It Further Resolved that the Director of the Department of Community Planning and Economic Development is hereby authorized and directed to execute and cause to be filed with the Internal Revenue Service a Form 8328 specifying the amount of 2014 entitlement allocation to be carried forward as described above. The Form 8328 shall be filed with the Internal Revenue Service on or before February 15, 2015. The Director is further authorized to notify the Minnesota Department of Finance of such carryforward at such time and as required by Minnesota Statutes, Chapter 474A.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

CD&RS & W&M – Your Committee, having under consideration decertification of two Tax Increment Financing (TIF) Districts and one Hazardous Substance Subdistrict, now recommends passage of Resolution 2014R-498 approving the decertification of the Rosacker Nursery Site TIF District; the Humboldt Industrial Park TIF District; and the SEMI Area Phase 2 Hazardous Substance Subdistrict; and that the proper City officers be authorized and directed to make any appropriation adjustments needed in order to close-out the individual funds for the Humboldt Industrial Park TIF District and the Rosacker Nursery Site TIF District, and return any excess TIF revenue to Hennepin County for subsequent distribution to the City, County and School District.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-498
By Goodman and Quincy

Approving Decertification of Rosacker Nursery Site TIF District No. 83, Humboldt Industrial Park TIF District No. 148 and the SEMI Area Phase 2 Hazardous Substance Subdistrict

Whereas, on June 27, 1997, the City Council adopted a resolution establishing the Rosacker Nursery Site Tax Increment Financing (TIF) District No. 83 (the “Rosacker Nursery Site TIF District”) and approving the TIF Plan relating thereto, as well as a modification to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan; and

Whereas, on February 24, 2006, the City Council adopted a resolution establishing the Humboldt Industrial Park TIF District No. 148 (the "Humboldt Industrial Park TIF District") and approving the TIF Plan relating thereto; and

Whereas, on October 25, 1996, the City Council adopted a resolution establishing a Hazardous Substance Subdistrict within the South East Minneapolis Industrial (SEMI) Area Phase 2 TIF District No. 72 (the "SEMI Area Phase 2 Hazardous Substance Subdistrict") and approving the Hazardous Substance Subdistrict Plan relating thereto; and

Whereas, all obligations of the City with respect to the districts and subdistrict described above have been satisfied or sufficient tax increment revenues are available to pay any remaining obligations of the City with respect to each district and subdistrict;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following districts and subdistrict be decertified as of December 31, 2014: Rosacker Nursery Site TIF District No. 83, Humboldt Industrial Park TIF District No. 148 and the SEMI Area Phase 2 Hazardous Substance Subdistrict within SEMI Area Phase 2 TIF District No. 72.

Be It Further Resolved that when all eligible expenses of the above described districts and subdistricts have been paid, the City Finance Officer is authorized to establish any appropriations necessary in order to close-out each individual fund and to return any remaining TIF revenue balance to the County for subsequent distribution to the City, County and School District.

Be It Further Resolved that City staff is directed to prepare and submit to the Office of the State Auditor and Hennepin County all documentation necessary to formalize these decertifications.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

CD&RS & W&M – Your Committee, having under consideration a Neighborhood Stabilization Program (NSP) Amendment to Amended and Restated Grant Agreement for NSP1 between the City of Minneapolis and the Minnesota Housing Finance Agency (MHFA), now recommends:

a) That the proper City offices be authorized to execute a NSP Amendment to the Amended and Restated Grant Agreement for NSP1 between the City of Minneapolis and the MHFA to award reallocated funds under the Program in an amount not to exceed \$600,000;

b) Ratification of the NSP Amended and Restated Grant Agreement for NSP 1 executed by the Department of Community Planning & Economic Development Director on June 24, 2013 and the MHFA Assistant Commissioner on June 27, 2013;

c) That the proper City officers be authorized to execute an Acknowledgement of Receipt for each disbursement of Reallocated Funds and adjust the appropriation in the Grants-Federal appropriation fund (Fund 01300) as needed.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report was adopted.

CD&RS & W&M – Your Committee, having under consideration the Department of Community Planning & Economic Development's vacant position of Housing Director, now recommends that the proper City officers be authorized to amend the professional services-executive search services contract with The Chandler Group (#C-38216), increasing by \$10,000 for total amount not to exceed \$60,000, to assist with the filling of the vacancy for said position.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The report was adopted.

The ELECTIONS & RULES Committee submitted the following report:

E&R - Your Committee recommends passage of Resolution 2014R-499 approving the 2015 Revision of Council Rules and adopting that revision as the definitive Minneapolis City Council *Rules of Order*.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-499

By Frey

Approving the 2015 Revision of Council Rules and adopting that revision as the definitive Minneapolis City Council *Rules of Order*.

Whereas, pursuant to Minneapolis City Charter, Chapter 1, Section 2, and Chapter 4, Section 5, the legislative and policy-making powers of municipal government are vested in the City Council, except as otherwise provided by law, and such powers and authority are to be exercised in the common interests, safety, health, and general welfare of the City of Minneapolis; and

Whereas, the City Council is empowered to regulate its own procedures, as provided in Minneapolis City Charter, Chapter 4, Section 3, and to that end has adopted *Robert's Rules of Order, Newly Revised*, as its parliamentary authority, in addition to adopting a number of special rules which collectively define and govern its legislative process with respect to the consideration and transaction of municipal business; and

Whereas, the City Council desires to ensure the business of the City of Minneapolis is conducted in an orderly and efficient manner which facilitates effective deliberative processes;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the 2015 Rules Revision is hereby adopted and declared to be the definitive *Rules of Order* of the City Council of the City of Minneapolis and shall regulate the proceedings of the City Council and its committees.

Be It Further Resolved that the City Council hereby directs the City Clerk to produce sufficient copies of its *Rules of Order* and to maintain the same for ready reference and use by the City Council, its committees, staff, and the public.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Warsame, Glidden, Palmisano (3)

The resolution was adopted.

The HEALTH, ENVIRONMENT & COMMUNITY ENGAGEMENT Committee submitted the following reports:

HE&CE - Your Committee, to whom was referred an ordinance amending Title 11, Chapter 234 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Indoor Smoking, adopting the Minnesota Clean Indoor Air Act and broadening the regulation of electronic cigarettes and electronic delivery devices, and having held a public hearing thereon, now recommends that Ordinance 2014-Or-112 be given its second reading for amendment and passage.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2014-Or-112
By Gordon
Intro & 1st Reading: 10/3/2014
Ref to: HE&CE
2nd Reading: 12/5/2014

Amending Title 11, Chapter 234 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Indoor Smoking.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 234.10 of the above-entitled ordinance be amended to read as follows:

234.10. Definitions Minnesota Clean Indoor Air Act adopted.

As used in this chapter:

~~Bowling alleys and pool and billiard halls means those establishments licensed pursuant to Chapter 267, Articles IV and XII of this Code, whether or not they are also licensed as a liquor establishment.~~

~~Food establishment means those establishments licensed pursuant to Title 10 of this Code.~~

~~Liquor establishment~~ means those establishments licensed pursuant to Title 14 of this Code.

~~Other person in charge~~ has the meaning specified in the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subpart 10, as amended from time to time.

~~Proprietor~~ has the meaning specified by the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subpart 13, as amended from time to time.

~~Smoking~~ means the inhaling, exhaling or combustion of any cigar, cigarette, pipe, tobacco product, weed, plant or any other similar article. "Smoking" includes possessing or carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

There is hereby adopted as an ordinance of the city, Minn. Statute Sections 144.411 to 144.417. Additionally, pursuant to the express authority granted to the city by Minn. Statute Section 144.414, Subd. 5(b), the use of electronic cigarettes, including the inhaling or exhaling of vapor from any electronic delivery device, as defined in Minn. Statute Section 609.685, Subd. 1, is further prohibited in any location in which smoking is prohibited pursuant to the terms of the Minnesota Clean Indoor Air Act.

In addition to the penalties and methods of enforcement provided by the Minnesota Clean Indoor Air Act, violations of this chapter may be subject to:

- (1) *Civil fines.* Violations may be enforced administratively pursuant to Chapter 2 of this Code. Each day of violation constitutes a separate offense.
- (2) *Adverse license action.* Repeated violation of any provision of this chapter by the holder of a license or permit issued by the city shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license or permit.
- (3) *Injunctive relief.* The city attorney may bring a civil action against any proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area subject to the requirements of this chapter in order to enjoin repeated or continuing violations.

The provisions of this chapter may be enforced by the Minneapolis Health Department, the licensing official, the building official, the police department or the fire department.

Section 2. That Section 234.20 of the above-entitled ordinance be and is hereby repealed:

~~234.20. – Prohibitions.~~

~~(1) Smoking is prohibited in bowling alleys and pool and billiard halls and liquor and food establishments.~~

~~(2) *General exceptions.* The prohibitions of this section do not apply to:~~

- ~~a. Guest rooms of a hotel or motel;~~
- ~~b. Outdoor spaces;~~
- ~~c. Locations where smoking is expressly authorized by state or federal law or rule; or~~
- ~~d. The use of tobacco as part of a recognized religious ritual or activity~~

Section 3. That Section 234.30 of the above-entitled ordinance be and is hereby repealed:

~~234.30. -- Responsibilities of proprietors.~~

~~The proprietor or other person in charge of a bowling alley, pool and billiard hall, or liquor or food establishment shall:~~

- ~~(1) Post "No Smoking" signs that comply with the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0500, as amended from time to time;~~
- ~~(2) Ensure that ashtrays, lighters, and matchbooks are not provided in any area where smoking is prohibited, however such prohibition against matchbooks shall not apply to matchbooks that are provided solely for ceremonial or promotional purposes; and~~
- ~~(3) Ask any person who smokes in an area where smoking is prohibited to refrain from smoking and, if the person does not refrain from smoking after being asked to do so, take the appropriate action to remove the person from the premises.~~

Section 4. That Section 234.40 of the above-entitled ordinance be and is hereby repealed:

~~234.40. -- Additional private prohibitions.~~

~~Nothing in this chapter prevents the proprietor or other person in charge of any place, including, without limitation, any residence, motor vehicle or outdoor space, from prohibiting smoking in any such place.~~

Section 5. That Section 234.50 of the above-entitled ordinance be and is hereby repealed:

~~234.50. -- Retaliation prohibited.~~

~~No person or employer shall discharge, refuse to hire, or in any manner retaliate against, any employee, applicant for employment, or customer because the employee, applicant or customer exercises any right to a smoke-free environment afforded by this chapter or other law.~~

Section 6. That Section 234.60 of the above-entitled ordinance be and is hereby repealed:

~~234.60. -- Employees' rights preserved.~~

~~An employee who consents to work in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.~~

Section 7. That Section 234.70 of the above-entitled ordinance be and is hereby repealed:

~~234.70. -- Other applicable laws.~~

~~This chapter is intended to complement the Minnesota Clean Indoor Air Act, Minnesota Statutes, Sections 144.411 to 144.417, as amended from time to time. Nothing in this chapter authorizes smoking in any location where smoking is prohibited or restricted by other laws.~~

Section 8. That Section 234.80 of the above-entitled ordinance be and is hereby repealed:

~~234.80. -- Violation and penalties.~~

- ~~(1) *Proprietors.* It is a violation of this chapter for the proprietor or other person in charge of any premises subject to this chapter to fail to comply with the requirements of 234.30, or to~~

~~retaliate against an employee, applicant for employment or customer, as prohibited by 234.50~~

~~(2) *Civil fines.* Violations of this chapter may be enforced administratively pursuant to Chapter 2 of this Code. Each day of violation constitutes a separate offense.~~

~~(3) *Adverse license action.* Violation of any provision of this chapter by a licensee shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license.~~

~~(4) *Enforcement.* The provisions of this chapter shall be enforced by the Minneapolis Health Department, the police department and fire department.~~

~~(5) *Injunctive relief.* The city attorney may bring a civil action against the proprietor or other person in charge of a public place or place of work to enjoin repeated or continuing violations of this chapter.~~

Section 9. That Section 234.90 of the above-entitled ordinance be and is hereby repealed:

~~234.90. Severability.~~

~~If any portion of this chapter, or its application to any circumstances, is held invalid, the remaining provisions shall not be invalidated, and shall be given effect to the maximum extent possible.~~

Section 10. That Section 234.100 of the above-entitled ordinance be and is hereby repealed:

~~234.100. Effective date.~~

~~The provisions of this chapter shall become effective March 31, 2005.~~

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The ordinance was adopted.

HE&CE - Your Committee, having received and filed a report from the Neighborhood & Community Relations Department relating to uncontracted neighborhood funds, now recommends that Neighborhood & Community Relations Department staff be directed to engage neighborhood associations and the Neighborhood & Community Engagement Commission (NCEC) in developing policy and procedural recommendations for the Council which would establish guidelines for allowable balances of unspent Neighborhood Revitalization Program (NRP) fund allocations and require any neighborhood association not meeting those guidelines to develop a plan with specific timelines on how they will use those funds, as well as developing reporting and monitoring procedures for the deployment of these resources. Staff are to present a draft policy recommendation to Council no later than May 31, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

HE&CE - Your Committee, having received and filed a report on the history of the Neighborhood Revitalization Program, the Community Participation Program, and the Neighborhood and Community Relations Department, now recommends that Neighborhood and Community Relations Department staff be directed to work with the Neighborhood & Community Engagement Commission (NCEC) to develop recommendations for future expenditures of the Consolidated Tax Increment Financing (TIF) Fund for neighborhood revitalization purposes.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

The HEALTH, ENVIRONMENT & COMMUNITY ENGAGEMENT and WAYS & MEANS Committees submitted the following report:

HE&CE & W&M - Your Committee recommends that the proper City officers be authorized to negotiate and execute a contract with Wilder Research to develop and conduct the 2015 and 2017 Minneapolis Resident Surveys.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

The PUBLIC SAFETY, CIVIL RIGHTS & EMERGENCY MANAGEMENT Committee submitted the following report:

PSCR&EM - Your Committee, having under consideration appointments to the Minneapolis Commission on Civil Rights, the Police Conduct Oversight Commission and Police Conduct Review Panel, and having held a public hearing thereon, now recommends approval of the following City Council appointments, and confirmation of Mayoral appointments:

Minneapolis Commission on Civil Rights (Mayoral appointments, for terms beginning 1/1/2015 and ending 12/31/2017):

Aaliyah Hodge (Ward 4), Adair Mosley (Ward 5) and Mariam Mokri (attorney) (Ward 6)

Police Conduct Oversight Commission (for terms beginning 1/1/2015 and ending 12/31/2016):

Council appointments: Adriana Cerrilo (Ward 7) and Naida Medicine Crow (Ward 9)

Mayoral appointments: Amran Farah (Ward 12) and Laura Westphal (Ward 13)

Police Conduct Review Panel (Mayoral appointments):

Ngoc Nguyen (Ward 8), for a term beginning 1/1/2015 and ending 12/31/2016 and Phillip Trebatoski (Ward 8), for a term beginning 1/1/2015 and ending 12/31/2015

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

The PUBLIC SAFETY, CIVIL RIGHTS & EMERGENCY MANAGEMENT and WAYS & MEANS Committees submitted the following reports:

PSCR&EM & W&M - Your Committee recommends that the proper City officers be authorized to accept funding from the Minnesota Board of Firefighter Training and Education in the amount of \$39,576, under the Round 7 training reimbursement program for training conducted between 7/1/2014-6/30/2015. Further, passage of Resolution 2014R-500 appropriating said funds to the Fire Department.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2014R-500
By Yang and Quincy**

Amending the 2014 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants-Other Fund (01600-2800700) by \$39,576, and increasing the revenue source (01600-2800700-321015) by \$39,576.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Absent: Glidden, Palmisano (2)

The report and resolution were adopted.

PSCR&EM & W&M – Your Committee recommends that the proper City officers be authorized to execute a three year contract with Life Time Fitness for an annual cost of \$389,934, for health club memberships, fitness services and facility use for 774 Minneapolis police and firefighters.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

PSCR&EM & W&M - Your Committee recommends that the proper City officers be authorized to accept the 2014 Minnesota Department of Public Safety Urban Area Security Initiative Grant in the amount of \$990,000, for the performance period 1/1/2015-6/20/2016. Further, passage of Resolution 2014R-501 appropriating said funds to the Office of Emergency Management.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2014R-501
By Yang and Quincy**

Amending the 2014 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Emergency Management Agency in the Federal Grants Fund (01300-8440100) by \$990,000 and increasing the revenue source.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report and resolution were adopted.

PSCR&EM & W&M - Your Committee recommends that the proper City officers be authorized to accept the Homeland Security Emergency Management 2014 Mass Care Award in the amount of \$32,500, for the performance period 1/1/2015-12/31/2015. Further, passage of Resolution 2014R-502 appropriating said funds to the Office of Emergency Management.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-502
By Yang and Quincy

Amending the 2014 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Emergency Management Agency in the Federal Grants Fund (01300-8440100) by \$32,500 and increasing the revenue source.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report and resolution were adopted.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, to whom was referred the following ordinances relating to right-of-way permits, and having held a public hearing thereon, now recommends that the following ordinances be given their second reading for amendment and passage:

a) Ordinance 2014-Or-113 amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees, clarifying that street use permits referred to in the building code are a form of obstruction permit; and

b) Ordinance 2014-Or-114 amending Title 17, Chapter 430 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Right-of-Way Permits, setting out specific permit requirements for dumpsters and storage containers obstructing the public right-of-way.

The following is the complete text of the unpublished summarized ordinances.

ORDINANCE 2014-Or-113
By Reich
Intro & 1st Reading: 10/31/2014
Ref to: T&PW
2nd Reading: 12/5/2014

Amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 91.20 of the above-entitled ordinance be amended to read as follows:

91.20. Street permits fees. (a) The city, before issuing any permit for the use or occupancy of any portion of any street pursuant to Section 430.30 of this Code or otherwise as required by this Code shall require the payment by the applicant for such permit, ~~in the manner herein provided,~~ of a fee as established pursuant to ~~section 91.70~~ this Code.

(b) No person shall place or allow to be placed on any street, boulevard or alley any container which has a capacity of more than five (5) cubic feet, and which is designed or utilized for the collection of building debris, solid waste, or any other material without first obtaining ~~a street~~ the appropriate permit. The permit shall be attached to the exterior of the container with a copy retained by the permit holder and as otherwise required by Section 87.350 of this Code, if applicable.

(1) ~~Street use p~~Permits for solid waste containers may only be issued to those persons licensed as a Minneapolis Solid Waste Hauler as required by Chapter 225.290 of this Code or as a Class A or B wrecker of buildings as required by Chapter 277.2270 of this Code.

(c) ~~Street use p~~Permits for ~~personal~~ storage containers may only be issued to the company which is responsible for the delivery and pickup of the ~~personal~~ storage container.

(1) ~~Personal s~~Storage container shall mean a storage container that is contracted to be delivered to a residence and used to store personal items and then picked up by a hauler and stored at a facility until it is requested to be delivered back to the residence so that the personal items may be retrieved or a storage container that is used for the purpose of moving personal items from or to a residence as part of a change of residence.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The ordinance was adopted.

ORDINANCE 2014-Or-114
By Reich
Intro & 1st Reading: 10/31/2014
Ref to: T&PW
2nd Reading: 12/5/2014

Amending Title 17, Chapter 430 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Right of Way Permits.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 430.30 of the above-entitled ordinance be amended to read as follows:

430.30. Permit requirement. Except as otherwise provided in the Code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permits from the city engineer to do so.

(1) *Excavation permit.* An excavation permit is required to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing equipment or facilities described therein, to the extent and for the duration specified therein.

(2) *Obstruction permit.* An obstruction permit is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way for the duration specified therein.

(3) *Street use permit.* A street use permit is a form of obstruction permit required for placing dumpsters, as defined herein, and storage containers, as defined herein, in the public right-of-way. A street use permit for a dumpster, or for a storage container, is subject to the following additional requirements for the owners and/or operators of the dumpster or storage container as conditions of permitting the dumpster or storage container to be in the right-of-way:

a. The dumpster or storage container must be placed in front of or adjacent to the property where the street use permit is issued and the address of which is shown on the face of the permit, unless some other location is specifically designated in the permit.

b. The dumpster or storage container shall not be located (as the following terms are defined in Title 18 of this Code):

1. On a sidewalk or on a boulevard between a sidewalk and a roadway;

2. In front of a public or private driveway or alley or within five (5) feet of the end of radius or side slope of any public or private driveway or alley with any street or highway;

3. Within an intersection;

4. Within ten (10) feet of a fire hydrant;

5. On a crosswalk;

6. Within twenty (20) feet of a crosswalk at an intersection;

7. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone unless a different length is indicated by signs or markings;

8. Within a designated or marked bus stop;

9. Within fifty (50) feet of the nearest rail of a railroad crossing;

10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted;

11. Alongside or opposite any street excavation or obstruction when such placement would obstruct traffic;

12. Along the curb adjacent to any school property unless the dumpster is placed for the benefit of the school and with the explicit written permission of the school;

13. Upon or under any bridge or approach or other elevated structure upon a street or highway or within a street or highway tunnel unless specifically called out and allowed by the terms of the written permit in the specific place to be used by metes and bounds description;

14. In a location that has the effect of blocking reasonable access to a fire escape or to the exit from any building;

15. At any place on any pathway, sidewalk area for pedestrians or other portion of any public property which is not intended for the use of vehicles for a public roadway;

16. At any place where marked and signed fire lanes have been established by authorization of the city council; and

17. At any place where official signs prohibit the stopping, standing or parking of vehicles, unless specially called out and allowed by terms of the written permit in the specific place to be used by metes and bounds description.

c. No person shall move a dumpster or storage container not owned by such person into any prohibited area or away from a curb to a distance that is unlawful.

d. Upon the declaration by the City of a snow emergency, the owner and/or operators of any dumpster or storage container located in a street or other right-of-way subject to the snow emergency shall remove the dumpster or storage container until the street is plowed curb to curb.

e. No person shall place or cause to be placed in the public street any dumpster or storage container, without first attaching on the front and rear of the dumpster or storage container, two (2) strips of reflective material of at least twenty-five (25) square inches each. Such reflective material shall be white in color and shall be mounted at a height of not less than twelve (12) inches nor more than twenty-four (24) inches from the top of the dumpster or storage container and shall be so designed and maintained as to be visible at night from a distance of three hundred (300) feet from the dumpster or personal storage container.

f. A “dumpster” for the purposes of this section is a container that is not a vehicle as defined in Title 18 of this Code, that is intended to receive building debris and other permissible solid waste and/or recyclable materials from nearby construction projects, building renovation projects, building service projects, or re-location projects as a part of the process of actively transferring waste or recyclable materials away from the site.

g. A “storage container” for the purposes of this section is a storage container that is contracted to be delivered to a residence and used to store personal items and then picked up by a hauler and stored at a facility until it is requested to be delivered back to a residence so that the personal items may be retrieved, or a storage container that is used for the purpose of moving personal items from or to a residence as part of a change of residence.

h. The City Engineer or designee may grant an exception to these additional requirements for dumpster obstruction permits and storage container obstruction permits upon making findings that: (1) an exception is necessary to prevent substantial hardship to the applicant or a customer of the applicant, (2) an exception will not unreasonably subject the public to harm, (3) an exception is in the public interest, and (4) practical difficulties with complying with the additional requirements exist because of conditions or circumstances unique to the individual project.

i. The City Engineer, the Director of Regulatory Services, the Planning Director, the Licensing Official and the Chief of Police and their designees may enforce these additional requirements for street use permits and may delegate enforcement authority therefor to any City employee.

j. Permits pursuant to this section are subject to the requirements of Section 91.20 of this Code.

k. Dumpsters must be covered during all non-work hours so as to prevent the escape of any particulates.

No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless:

(1) Such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit.

(2) A new permit or permit extension is granted.

Permits issued under this chapter shall be conspicuously displayed at all times at the indicated work site and shall be available for inspection by the city engineer or other city personnel acting in the line of duty. Street Use permits shall be attached to the exterior of the dumpster or storage container.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The ordinance was adopted.

T&PW - Your Committee recommends passage of Resolution 2014R-503 establishing uniform assessment rates for street construction, street renovation, street resurfacing, and alley construction and resurfacing improvements for the 2015 calendar year.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-503

By Reich

Establishing uniform assessment rates for street construction, street renovation, street resurfacing, and alley construction and resurfacing improvements for the 2015 calendar year.

Whereas, the City Council adopted a policy on October 31, 1980, establishing yearly uniform assessment rates for similar improvements at various locations; and

Whereas, the City Council adopted assessment policies on May 22, 1998, June 12, 1998, and December 12, 2008, relating to residential and non-residential properties and relating to Local and Other streets; and

Whereas, the City Council adopted a policy on February 15, 2008, establishing the street resurfacing program and assessment policy relating to residential and non-residential properties; and

Whereas, the City Council adopted a policy on November 12, 2013, establishing the alley construction program and assessment policy relating to residential and non-residential properties; and

Whereas, the City Engineer has submitted the recommended 2015 Uniform Assessment Rates, as on file in the office of the City Clerk and with the City Engineer's Special Assessment Office;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following rates are hereby established as the 2015 uniform assessment rates and are to be applied in determining the assessments for the benefited parcels for certain types of work to be constructed in the 2015 calendar year:

Construction (street paving, curb and gutter and other street paving related improvements) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

- \$2.46/sq ft - Non-Residential;
- \$0.82/sq ft - Residential;

Renovation (mill and overlay of street surface and selected curb and gutter and street construction as needed) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

- \$1.23/sq ft - Non-Residential;
- \$0.41/sq ft - Residential;

Resurfacing (mill and overlay of street surface only) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

- \$0.62 - Non-Residential;
- \$0.21 - Residential;

Alley Construction (paving and other alley paving related improvements) - appropriate rate is applied to the land area of benefited parcels abutting the alley being improved:

- \$0.27 - Non-Residential and Residential;

Alley Resurfacing (overlay concrete alleys with bituminous materials) - appropriate rate is applied to the land area of benefited parcels abutting the alley being improved:

- \$0.067 - Non-Residential and Residential.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

T&PW - Your Committee recommends approval of a Large Block Event Permit for the Holiday Village - Minneapolis Holiday Market to be held on November 28, 29, 30 and December 6, 7, 13, 14, 20, and 21, allowing the block event to operate outside the time-frame requirements set forth in Minneapolis Code of Ordinances, Title 17, Chapter 455.35(c)(1) relating to Streets and Sidewalks: Block Events.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The report was adopted.

T&PW - Your Committee, having under consideration plans to reconstruct 54th St W between Penn Ave and Lyndale Ave using Municipal State Aid (MSA) funds, and having been informed that the plans for the project do not meet all MSA rules for design speed and vertical profile, now recommends passage of Resolution 2014R-504 directing the City Engineer to submit to the Commissioner of Transportation a formal request for a variance from Minnesota Department of Transportation (MnDOT) State Aid Rules to permit the reconstruction project.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-504

By Reich

Directing the City Engineer to proceed with a variance request from State Aid Rules per Administrative Variance to State Aid Operations Rules, Chapter 8820 effective 2011, including amendments adopted through February 4, 2013, to the Minnesota Commissioner of Transportation for the reconstruction of 54th St W between Penn Ave and Lyndale Ave.

Whereas, the City of Minneapolis wishes to reconstruct 54th St W between Penn Ave and Lyndale Ave; and

Whereas, Minnesota Department of Transportation (MnDOT) State Aid Rule 8820.9941 (Design Standards, Urban; New or Reconstruction Projects) per Administrative Variance to State Aid Operation Rules, Chapter 8820, effective October 1, 2011, require "New or reconstruction projects for urban roadway must meet or exceed the minimum dimensions indicated in the following design chart"; and

Whereas, the design chart has design speed indicated for Collectors or Locals with Average Daily Traffic (ADT) less than 10,000 vehicles; and

Whereas, residential housing and the urban streetscape limit the right-of-way available to accommodate a vertical profile meeting a minimum design speed of 30 MPH on 54th St W between Fremont and Girard Ave; and

Whereas, State Aid Rules provide that a political subdivision may request a variance from the Rules;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby directed to submit to the Commissioner of Transportation a formal request for variance from MnDOT State Aid Rule 8820.9941 per Administrative Variance to State Aid Operations Rules, Chapter 8820, effective 2011, including amendments adopted through February 4, 2013, for Collectors or Locals with ADT less than 10,000 vehicles to permit the reconstruction of 54th St W between Fremont and Girard Ave with a vertical profile that meets a design speed of 10 MPH instead of 30 MPH as required by Rule 8820.9941.

Be It Further Resolved that the City Council of the City of Minneapolis hereby indemnifies, saves, and holds harmless the State of Minnesota and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of the reconstruction of 54th St W between Penn Ave and Lyndale Ave in accordance with Minnesota Rules 8820.9941 and further agrees to defend at their sole cost and expense any action or proceeding commenced for the purpose of asserting any claim arising as a result of the granting of this variance.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

Approved by Mayor Betsy Hodges 12/5/2014.

(Published 12/9/2014)

T&PW - Your Committee recommends passage of Resolution 2014R-505 designating the location, streets, and improvements proposed to be made in the Minnehaha Ave (CSAH 48) Street Reconstruction Project, Special Improvement of Existing Street No. 9664.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-505

By Reich

**MINNEHAHA AVE (CSAH 48) STREET RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO. 9664**

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Minneapolis City Charter, Chapter 10, Section 8 by paving with plant mix asphalt and concrete with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

Minnehaha Ave from Lake St to 46th St E; and
450 feet of 46th St E at the intersection of Minnehaha Ave.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson,
President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

T&PW - Your Committee, having received a cost estimate of \$14,400,000 for street construction improvements and a list of benefited properties for certain locations in the Minnehaha Ave (CSAH 48) Street Reconstruction Project, Special Improvement of Existing Street No. 9664, as designated by Resolution 2014R-505, passed December 5, 2014, now recommends that the City Engineer be directed to prepare a proposed Street Construction Special Improvement Assessment against the list of benefited properties by applying the adopted 2015 Uniform Assessment Rates.

Your Committee further recommends that a public hearing be held on January 20, 2015, in accordance with Minneapolis City Charter, Chapter 10, Section 8 and Minneapolis Code of Ordinances, Sections 24.180 and 95.90 to consider approving the construction of the above-designated street location, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City and to consider the abandonment and removal of areaways in conflict with the street construction project.

Your Committee further recommends that the proper City officers be authorized to negotiate a Construction Cooperative Agreement with Hennepin County to be brought before the City Council for ratification upon review by the City Attorney's office.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson,
President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The report was adopted.

T&PW - Your Committee recommends passage of Resolution 2014R-506 designating the location, streets, and improvements proposed to be made in the Nawadaha Blvd and Minnehaha Ave Street Reconstruction Project, Special Improvement of Existing Street No. 6749.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-506
By Reich

NAWADAHA BLVD AND MINNEHAHA AVE STREET RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO. 6749

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Minneapolis City Charter, Chapter 10, Section 8 by paving with plant mix asphalt and concrete with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

Minnehaha Ave from Nawadaha Blvd to 46th St E; and
Nawadaha Blvd from Minnehaha Ave west 250 feet.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

T&PW - Your Committee, having received a cost estimate of \$2,000,000 for street construction improvements and a list of benefited properties for certain locations in the Nawadaha Blvd and Minnehaha Ave Street Reconstruction Project, Special Improvement of Existing Street No. 6749, as designated by Resolution 2014R-506, passed December 5, 2014, now recommends that the City Engineer be directed to prepare a proposed Street Construction Special Improvement Assessment against the list of benefited properties by applying the adopted 2015 Uniform Assessment Rates.

Your Committee further recommends that a public hearing be held on January 20, 2015, in accordance with Minneapolis City Charter, Chapter 10, Section 8 and Minneapolis Code of Ordinances, Sections 24.180 and 95.90 to consider approving the construction of the above-designated street location, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City and to consider the abandonment and removal of areaways in conflict with the project.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The report was adopted.

T&PW - Your Committee, having under consideration the submittal of two (2) petition requests for the establishment of Critical Parking Areas (CPAs) at the following locations:

- a) 42nd Ave S, from 46th St E to Nawadaha Blvd (even side only); and
- b) Nawadaha Blvd, from Minnehaha Ave to 42nd Ave S (south side only);

now recommends that the requested CPAs be denied and the findings prepared by the Department of Public Works staff be adopted.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The report was adopted.

T&PW - Your Committee recommends passage of Resolution 2014R-507 supporting Metro Transit's C Line Arterial Bus Rapid Transit Project.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-507
By Reich

Supporting Metro Transit's C Line Arterial Bus Rapid Transit Project.

Whereas, Metro Transit intends to implement the C Line Arterial Bus Rapid Transit project to improve transit service and facilities in Minneapolis and Brooklyn Center; and

Whereas, Metro Transit intends to build enhanced transit stations as part of the Project serving 7th and 8th Streets, Olson Memorial Highway, Penn Avenue, and Osseo Road in Minneapolis and Brooklyn Boulevard, Brooklyn Center Transit Center, and intermediate points in Brooklyn Center; and

Whereas, the Project will be of mutual benefit to Metro Transit and the City of Minneapolis; and

Whereas, Metro Transit is requesting financial participation through a number of funding sources to implement the Project; and

Whereas, Metro Transit and the City of Minneapolis are mutually committed to collaboratively developing the Project within the City limits;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis hereby supports the Project and Metro Transit's funding requests for the timely implementation of the Project.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS Committees submitted the following reports:

T&PW & W&M - Your Committee, having under consideration a request to close-out various capital projects and programs and reallocate resources to other projects and programs, now recommends:

- a) Passage of Resolution 2014R-508 receiving and accepting the final costs of various capital projects and programs, closing the projects and programs, and reallocating excess revenue, Net Debt Bonds, and Sanitary Sewer Bonds to other capital projects and programs; and
- b) Passage of Resolution 2014R-509 requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds and Sanitary Sewer Bonds.

The following is the complete text of the unpublished summarized resolutions.

**RESOLUTION 2014R-508
By Reich and Quincy**

Receiving and accepting the final costs of projects and programs within Fund 04100, Fund 07100, Fund 07300, Fund 07400, and Fund 07500, closing the projects and programs, and reallocating excess revenue, Net Debt Bonds, and Sanitary Sewer Bonds to other capital projects and programs.

Resolved by The City Council of The City of Minneapolis:

That the final costs of all work in the Fund 04100, Fund 07100, Fund 07300, Fund 07400, and Fund 07500 projects described in Schedules A and B below be received and accepted, and that the capital appropriations be adjusted as specified thereby closing the projects and programs, and reallocating excess revenue and already issued Net Debt Bonds and Sanitary Sewer Bonds to other capital projects, and programs. The 07100, 07300, and 07400 fund balances should be designated to projects requiring additional revenue.

DECEMBER 5, 2014

| SCHEDULE A Fund 04100 Capital Projects/Programs to be CLOSE | | | Revenue | | Assessment/Net | Reallocated | |
|---|---------------|----------|------------------|--------------|------------------|----------------|-----------------|
| | | | Available | Reallocated | Debt Available | Assessment or | Appropriation |
| Description | Fund/Dept | Project | for Reallocation | Revenue | for Reallocation | Net Debt Bonds | Adjustment |
| Marquette Ave Double Transit Lanes | 04100-9010937 | CPV052 | 335,032.41 | | | | (552,520.18) |
| Nicollet Ave - Lake St to 40th | 04100-9010937 | CPV057 | 2,650,995.10 | | | | (8,185,736.55) |
| Nicollet Ave - Lake St to 40th - Sig | 04100-9010943 | CPV057SG | | | | (20,226.01) | 1,533,664.20 |
| Nicollet Ave - Lake St to 40th - Ltg | 04100-9010943 | CPV057SL | | | | (252.04) | 641,005.83 |
| Semi 2 | 04100-9010937 | CPV007 | | (331,160.00) | | (232,452.88) | (18,919.41) |
| 33rd and Talmage | 04100-9010937 | CPV021 | | | | | 154,970.97 |
| Franklin/Cedar/Minnehaha | 04100-9010937 | CPV028 | | | | (2,431.85) | (51,617.39) |
| 2012 Alley Renovation | 04100-9010937 | CPV1206 | 168,736.35 | | | | (168,736.35) |
| 2012 Asphalt Resurfacing Program | 04100-9010937 | CPV1256 | 1,000,000.00 | | 655,100.69 | | (2,405,930.33) |
| 2012 High Volume Corridor Recond | 04100-9010937 | CPV1261 | | | 677,134.52 | | (895,847.09) |
| 2012 Parkway Paving Program | 04100-9010937 | CPV1201 | 301,225.58 | | 250,000.00 | | (969,412.29) |
| 2013 Unpaved Alley Construction | 04100-9010937 | CPV1363 | | | 148,911.71 | | (298,911.71) |
| Riverside Ave (Cedar to Franklin) | 04100-9010937 | CPV062 | 196,850.39 | | | | (1,947,699.35) |
| Riverside Ave Street Lighting | 04100-9010943 | CPV062SL | | (11,380.28) | | (292,695.50) | 31,275.77 |
| Riverside Ave Electrical Work | 04100-9010943 | CPV062SG | | | | (661,578.05) | 2,413,802.36 |
| Major Bridge Repair & Rehab | 04100-9010938 | CBR1201 | 377,523.29 | | | (120,041.74) | (257,481.55) |
| Major Bridge Repair & Rehab | 04100-9010938 | CBR1301 | | | 328,371.36 | | (328,371.36) |
| Plymouth Ave Bridge | 04100-9010938 | CBR125 | | (216,428.05) | | | (759,198.41) |
| Cedar Lake Bike Trail Phase III | 04100-9010943 | CBIK01 | 54,948.55 | | | | 52,296.82 |
| 18TH Ave NE Bike Striping (Monroe to Stinson) | 04100-9010943 | CBIK22 | 584.94 | | | | 29,180.64 |
| Bike Boulevard Pilot | 04100-9010943 | CBIK23 | | | | (1,123.87) | 22,393.53 |
| Riverlake Greenway | 04100-9010943 | CBIK13 | | | 44,139.72 | | (704,807.83) |
| Traffic & Ped Safety Improvement | 04100-9010943 | CTR1007 | | | | (45,572.99) | (17,447.01) |
| Trunk Highway 55 Signal Improv | 04100-9010943 | CTR1123 | 30,220.83 | | | | (257,659.83) |
| 2012 City Street Light Renovation | 04100-9010943 | CTR1211 | | | | | 2,500.00 |
| 2013 City Street Light Renovation | 04100-9010943 | CTR1311 | | | | | 0.00 |
| Wash Ave CCLRT Ltg | 04100-9010943 | CTR024 | | (115,611.86) | | | (104,388.14) |
| Univ Ave CCLRT Ltg | 04100-9010943 | CTR025 | | (153,845.29) | | | (111,154.71) |
| TOTAL FUND 04100 | | | 5,116,117.44 | (828,425.48) | 2,103,658.00 | (1,376,374.93) | (13,154,749.37) |

DECEMBER 5, 2014

| SCHEDULE B Enterprise Capital Projects/Programs to be CLOSED | | | Revenue | | Assessment/Net | Reallocated | |
|--|---------------|------------------|------------------|-----------------|------------------|----------------|----------------|
| | | | Available | Reallocated | Debt Available | Assessment or | Appropriation |
| Description | Fund/Dept | Project | for Reallocation | Revenue | for Reallocation | Net Debt Bonds | Adjustment |
| San Tunnel & Sewer Rehab Prog | 07100-9010932 | CSA1201 | | | 142,507.88 | | (7,288.74) |
| San Tunnel & Sewer Rehab Prog | 07100-9010932 | CSA1301 | | (2,428,401.71) | | (908,750.99) | 545,296.48 |
| Infiltration and Inflow Program | 07100-9010932 | CSA1136 | | | 766,243.11 | | (507,784.39) |
| Semi- University Research Park | 07300-9010932 | CPV007ST | | | | | (2,955,285.19) |
| 33rd and Talmage | 07300-9010932 | CPV021ST | | | | | (150,331.68) |
| Nicollet Ave - Lake St to 40th | 04100-9010943 | CPV057ST | | | | | (201,515.25) |
| Riverside Ave (Cedar to Franklin) | 07300-9010932 | CPV062ST | | | | | (257,827.44) |
| Alternative Storm Management | 07300-9010932 | CSW030 | | | | | (1,141,834.70) |
| Lake Hiawatha/Blue Water Partnership | 07300-9010932 | CSW031 | | (2,067,409.43) | | | 1,986,478.27 |
| CSO Improvements | 07300-9010932 | CSW1005 | | | | | 0.00 |
| CSO Improvements | 07300-9010932 | CSW1205 | | (1,519,132.31) | | | 19,132.31 |
| Storm Drain & Tunnel Rehab Prog | 07300-9010932 | CSW1111 | | | | | (3,980.11) |
| 2012 Storm Drains & Tun Rehab Prog | 07300-9010932 | CSW1211 | | (7,631,079.44) | | | 131,079.44 |
| US EPA Storm Water Regulations | 07300-9010932 | CSW1104 | | | | | (250,000.00) |
| 2013 Storm Water Regulations | 07300-9010932 | CSW1304 | | | | | (250,000.00) |
| 2012 Flood Mitigation w/Alt Storm Wtr Mgmt | 07300-9010932 | CSW1239 | | | | | (2,998.47) |
| 2013 Water Distribution Improvements | 07400-9010950 | CWT1213 | | | | | (493,477.15) |
| 2012 Water Treatment Infra Improve | 07400-9010950 | CWT2312 | | (45,160.22) | | | 45,160.22 |
| 2013 Water Treatment Infra Improve | 07400-9010950 | CWT2313 | | (444,276.28) | | | 444,276.28 |
| Dewatering Plant Improvements | 07400-9010950 | CWT22 | | | | | 958,177.01 |
| Nicollet Ave - Lake St to 40th | 07400-9010950 | CPV057 | | | | | (23,701.70) |
| Riverside Ave (Cedar to Franklin) | 07400-9010950 | CPV062W | | (129,751.01) | | | 129,751.01 |
| Leamington Charging Stations | 07500-9010946 | 2012 LEAMINGTONS | | | | | 13,890.65 |
| Parking Facility Repair and Maint | 07500-9010946 | CRP1101 | | | | | 0.00 |
| Total Enterprise Fund - Programs to be Closed | | | 0.00 | (14,265,210.40) | 908,750.99 | (908,750.99) | (1,972,783.15) |

| SCHEDULE C Capital Projects/Programs to remain OPEN | | | Revenue | | Assessment/Net | Reallocated | |
|---|---------------|---------|------------------|----------------|------------------|----------------|---------------|
| | | | Available | Reallocate | Debt Available | Assessment or | Appropriation |
| Description | Fund/Dept | Project | for Reallocation | Revenue | for Reallocation | Net Debt Bonds | Adjustment |
| 2013 Parkway Paving Program | 04100-9010937 | CPV1301 | | (54,805.51) | | (398,911.71) | 453,717.22 |
| 2014 Major Bridge Repair & Rehab | 04100-9010938 | CBR1401 | | (257,481.55) | | (328,371.36) | 585,852.91 |
| Nicollet Mall Redesign & Reconstruction | 04100-9010937 | CPV085 | | (3,500,000.00) | | | 3,500,000.00 |
| Riverside Lighting Assmt Debt service | | | | (330,012.76) | | | |
| 22nd Street E Lighting Assmt Debt service | | | | (94,845.67) | | | |
| Penn Ave Assessment Debt service | | | | (50,546.47) | | | |
| Total Reallocations for Fund 04100 | | | 0.00 | (4,287,691.96) | 0.00 | (727,283.07) | 4,539,570.13 |

Be It Further Resolved that as a result of the project closeouts as described in Schedules A and B, excess Net Debt Bonds, Assessment Bonds, and revenue become available for re-allocation as described in Schedules A, B, and C.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

RESOLUTION 2014R-509
By Reich and Quincy

Requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds and Sanitary Sewer Bonds.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur with the reallocation of already issued Net Debt Bonds and Sanitary Sewer Bonds from various Capital Projects and Programs, as set forth in Schedules A, B, and C in Resolution 2014R-508, passed December 5, 2014.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

T&PW & W&M - Your Committee having under consideration the 24th St E and Snelling Ave Street Reconstruction Project, Special Improvement of Existing Street No. 2298, now recommends:

- a) Passage of Resolution 2014R-510 amending the 2014 adopted Capital Budget to establish CPV110, 24th St E and Snelling Ave Paving Project; and
- b) Passage of Resolution 2014R-511 designating the location, streets, and improvements proposed to be improved in the street reconstruction project.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2014R-510
By Reich and Quincy

Amending The 2014 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Establishing CPV110, 24th St E and Snelling Ave Paving Project;
- b) Increasing the appropriation and revenue estimate for CPV110, 24th St E and Snelling Ave Paving Project (04100-9010937 - CPV110 - Source 345501) by \$1,100,000 from a Metropolitan Council Livable Communities Demonstration Account (LCDA) Grant; and
- c) Increasing the appropriation and revenue estimate for CPV110, 24th St E and Snelling Ave Paving Project (04100-9010937 - CPV110 - Source 384601) by \$537,000 from Street Paving

Assessments and (04100-9010943 - CPV110 - Source 384601) by \$115,000 from Street Lighting Assessments.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

RESOLUTION 2014R-511

By Reich and Quincy

**24TH ST E AND SNELLING AVE STREET RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO. 2298**

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Minneapolis City Charter, Chapter 10, Section 8, by paving with plant mix asphalt and concrete, with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

24th St E from Minnehaha Ave west to its terminus at the railroad right-of-way; and
Snelling Ave from approximately 50 feet south of the south ROW line of 22nd St E to 24th St E.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

T&PW & W&M - Your Committee, having received a cost estimate of \$1,400,000 for street construction improvements and a list of benefited properties for certain locations in the 24th St E and Snelling Ave Street Reconstruction Project, Special Improvement of Existing Street No. 2298, as designated by Resolution 2014R-511, passed December 5, 2014, now recommends that the City Engineer be directed to prepare a proposed Street Construction Special Improvement Assessment against the list of benefited properties by applying the adopted 2015 Uniform Assessment Rates.

Your Committee further recommends that a public hearing be held on January 20, 2015, in accordance with Minneapolis City Charter, Chapter 10, Section 8 and Minneapolis Code of Ordinances, Sections 24.180 and 95.90 to consider approving the construction of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City and to consider the abandonment and removal of areaways in conflict with the project.

Your Committee further recommends that the proper City officers be authorized to negotiate with private property owners, as necessary, to acquire and execute easement agreements in conjunction with the project.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The report was adopted.

T&PW & W&M - Your Committee, having under consideration the 24th St E and Snelling Ave Street Lighting Project, Special Improvement of Existing Street No. 2298L, now recommends passage of Resolution 2014R-512 designating the location, streets and improvements proposed to be improved in the street lighting project.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2014R-512
By Reich and Quincy**

**24TH ST E AND SNELLING AVE STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO. 2298L**

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Minneapolis City Charter, Chapter 10, Section 8 by installing a lighting system along with all the necessary appurtenances and work related to the above-described improvements:

24th St E from Minnehaha Ave to its terminus at the railroad right-of-way; and
Snelling Ave from approximately 50 feet south of the south ROW line of 22nd St E to 24th St E.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

T&PW & W&M - Your Committee, having received a cost estimate of \$115,000 for street lighting improvements and a list of benefited properties for certain locations in the 24th St E and Snelling Ave Street Lighting Project, Special Improvement of Existing Street No. 2298L, as designated by Resolution 2014R-512, passed December 5, 2014, now recommends that the City Engineer be directed to prepare proposed assessments against the list of benefited properties.

Your Committee further recommends that a public hearing be held on January 20, 2015, in accordance with Minneapolis City Charter, Chapter 10, Section 8 and Minneapolis Code of Ordinances, Sections 24.180 and 95.90 to consider approving the construction of the above-designated street lighting project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City and to consider the abandonment and removal of areaways in conflict with the project.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The report was adopted.

T&PW & W&M - Your Committee recommends that the proper City officers be authorized to extend the expiration of Master Contract C-28897 with Toltz King Duvall Anderson (TKDA) for parking ramp/skyway mechanical and electrical improvement projects as follows:

- a) Extending Scope 10 of contract to June 30, 2015; and
- b) Extending Scope 11 of contract to September 1, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The report was adopted.

T&PW & W&M - Your Committee recommends passage of the accompanying resolutions:

- a) Resolution 2014R-513 approving the settlement of special assessment appeals by NearCo IV, LLC and authorizing reduction of previously levied assessments;
- b) Resolution 2014R-514 amending Resolution 2014R-444 by reducing the special assessments for the Hay Northwest, Franklin Hall and Lyn Park Area Street Resurfacing Project; and
- c) Resolution 2014R-515 amending Resolution 2014R-445 by reducing the amount of bonds requested for the purpose of paying the assessed cost of street improvements in the project.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2014R-513
By Reich and Quincy

RESOLUTION OF SPECIAL ASSESSMENT APPEALS
NEARCO IV, LLC V. CITY OF MINNEAPOLIS

Approving the settlement of special assessment appeals.

Whereas, in accordance with Minneapolis City Charter, Chapter 10, the City Council of the City of Minneapolis passed Resolution 2014R-239 on May 23, 2014, as amended October 31, 2014, by Resolution 2014R-444, adopting the assessment rolls as prepared by the City for the Hay Northwest, Franklin Hall and Lyn Park Area Street Resurfacing Project No. 5257 as stated herein; and

Whereas, the City Council of the City of Minneapolis passed Resolution 2014R-478 on November 14, 2014, adopting the assessment rolls as prepared by the City Engineer's Special Assessment Office and ordering the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2015 real estate tax statements which included Street Resurfacing Project No. 5257 as stated herein; and

Whereas, an appeal of the special assessments was filed in District Court as Court File No. 27-CV-14-9577, NearCo IV, LLC v. City of Minneapolis and a settlement between the parties has been agreed upon;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to the settlement of the special assessment appeals, the City Attorney's Office is hereby directed to execute the documents necessary to effectuate the settlement and the Public Works Director is authorized to reduce the assessment on the properties identified as 409 W Broadway, PID 15-029-24-32-0173 and 1912 4th St N, PID 15-029-24-23-0175 from a total of \$21,443.11 by \$14,443.11 to \$7,000.

Be It Further Resolved that the Hennepin County Auditor is hereby directed to reduce the following levied special assessments on the 2015 and subsequent years' tax statements from a total assessment amount of \$21,443.11 for Levy 01027, Project 52644 to:

| <u>LEVY</u> | <u>PROJECT</u> | <u>PROPERTY ID</u> | <u>TOTAL</u> |
|-------------|----------------|--------------------|--------------|
| 01027 | 52644 | 15-029-24-32-0173 | \$5,250 |
| 01027 | 52644 | 15-029-24-23-0175 | \$1,750. |

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

RESOLUTION 2014R-514
By Reich and Quincy

Amending Resolution 2014R-444 entitled "Amending Resolution 2014R-239 entitled "Ordering the work to proceed and adopting the special assessments for the Hay Northwest, Franklin Hall and Lyn Park Areas Street Resurfacing Project No. 5264", passed May 23, 2014", passed October 31, 2014.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended to read as follows to reflect a settlement of a special assessment appeal asserted by NearCo IV, LLC authorizing the

reduction of the assessment at 409 W Broadway, PID 15-029-24-32-0173, to \$5,250 and at 1912 4th St N, PID 15-029-24-23-0175, to \$1,750:

Whereas, a public hearing was held on May 13, 2014, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2014R-102, passed March 28, 2014, to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2014R-102, passed March 28, 2014.

Be It Further Resolved that the proposed special assessments in the total amount of ~~\$1,332,061.79~~ \$1,317,618.68 for the Hay Northwest, Franklin Hall and Lyn Park Areas Street Resurfacing Project No. 5264, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2015 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to be on the 2015 real estate tax statements.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

RESOLUTION 2014R-515
By Reich and Quincy

Amending Resolution 2014R-445 entitled "Amending Resolution 2014R-240 entitled "Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$1,304,305 for certain purposes other than the purchase of public utilities", passed May 23, 2014", passed October 31, 2014.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended to read as follows to reflect a settlement of a special assessment appeal asserted by NearCo IV, LLC authorizing the

reduction of the assessment at 409 W Broadway, PID 15-029-24-32-0173, to \$5,250 and at 1912 4th St N, PID 15-029-24-23-0175, to \$1,750:

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of ~~\$1,332,065~~ \$1,317,618 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed costs of street improvements in the Hay Northwest, Franklin Hall and Lyn Park Areas Street Resurfacing Project, Special Improvement of Existing Street No. 5264, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collected in five (5) successive annual installments payable in the same manner as real estate taxes.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The resolution was adopted.

T&PW & W&M - Your Committee, having under consideration the Nicollet-Central Modern Streetcar Project, now recommends that the proper City officers be authorized to extend the term of the Master Funding Agreement with Metropolitan Council from December 31, 2014, to December 31, 2015.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The report was adopted.

T&PW & W&M - Your Committee recommends acceptance of the single bid submitted to the Public Works Department on OP No. 8012 from Gene's Water and Sewer, for an estimated annual expenditure of \$175,000.00, to furnish and deliver all labor and materials necessary for private water service valve relocates, disconnects, and curb stop repairs. Further, that the proper City officers be authorized to execute a contract for said service in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The report was adopted.

T&PW & W&M - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No. 8017 from Infrastructure Technologies, Inc., for an estimated expenditure of \$364,549.26, to furnish and deliver all labor, material, equipment, and incidentals necessary for cleaning of the small diameter sanitary sewer system. Further, that the proper City officers be authorized to execute a contract for said service in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Bender, Quincy, A. Johnson, President Johnson (10)

Noes: (0)

Absent: Glidden, Cano, Palmisano (3)

The report was adopted.

The WAYS & MEANS Committee submitted the following reports:

W&M - Your Committee recommends passage of Resolution 2014R-516 authorizing settlement of legal matters, as recommended by the City Attorney.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-516
By Quincy

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of the following:

- a) Cincinnati Insurance Companies by payment of \$35,000 to Cincinnati Insurance Companies from Fund/Org. 06900-1500100-145630.
- b) Adam Mitchell by payment of \$9,000 to Adam Mitchell and his attorneys, Walther Goss Law, from Fund/Org. 06900-1500100-145400.
- c) German Castillo by payment of \$65,000, payable to Albert T. Goins, Sr. and German Catillo: \$21,666.67 to Albert Goins, Attorney at Law, and \$43,333.33 to German Castillo & Albert Goins, Attorney, from Fund/Org. 06900-1500100-145400.

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the above settlements.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The resolution was adopted.

W&M - Your Committee recommends that the proper City officers be authorized to execute a contract with Municipal Code Corporation and its subsidiary MCCi for an average annual amount not to exceed \$50,000 for a period of five years for basic codification services and other related professional services available to the City. Related professional services will include the following:

- a) Republication of the entire Code of Ordinances;
- b) MyMunicode: A feature that would significantly enhance the overall usability of its system and accessibility of the City Charter and Code of Ordinances, both for staff and public; and
- c) Expanded Services including Granicus|Legistar® Integration which will provide expanded indexing, reference, and research support of the City Charter and Code of Ordinances and the City's new Legislative Information Management System, and JustFOIA – a enterprise solution supporting management of data practices/open records requests, including intake, referral, tracking, and reporting tools as well as system administration.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

W&M – Your Committee recommends that the proper City officers be authorized to increase contract C-38182 with Top Talent/Doherty Staffing in the amount of \$40,000, for a revised total contract authorization of \$90,000, to continue to provide staffing services for the operations of the City Clerk's Office including one temporary worker on the Clerk's administrative team and two in the Document Solutions Center.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

W&M – Your Committee, having under consideration the contract C-37095 with Meisinger Construction, now recommends that the proper City officers be authorized to increase the amount by \$34,101 for a new total of \$534,001, to allow for close out and final payment of the renovation construction of restroom / locker room at the Minneapolis Convention Center.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

W&M – Your Committee recommends that the proper City officers be authorized to enter into an agreement with Hennepin County to provide the City's contribution for multijurisdictional coordination of land use planning on the Penn Avenue North corridor. Said agreement will allow City staff to enter into an agreement with Hennepin County Community Works staff to allow for the transfer of \$50,000 from the current Community Planning and Economic Development (CPED) Long-Range Planning budget to the Penn Avenue Community Works Project to support land use planning activities within the project.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

W&M – Your Committee recommends acceptance of low bid OP 7994, submitted by Mint Roofing, Inc., in the amount of \$301,700 to furnish and deliver all labor, materials, equipment and incidentals necessary for the Public Service Center Partial Re-Roofing Project for the Minneapolis Finance/Property Services Department.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

W&M - Your Committee recommends that the proper City officers be authorized to execute Amendment No. 2 to City Contract #21606 extending MNDOT's lease to the City for five years at \$19,200 per year to be paid from the Park Fund 7500-6850800 for City use of land under Highway 394 bridges.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

W&M - Your Committee recommends that the proper City officers be authorized to execute an agreement for a five year term with Hennepin County and Hennepin Healthcare Systems, Inc, for the use of City-owned space, facilities and equipment as needed for public health or medical emergencies.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

W&M - Your Committee recommends that the proper City officers be authorized to execute a lease agreement with NCWPCS MPL 24 – Year Sites Tower Holdings, LLC for a Cellular Tower at 103 Lyndale Ave N (Linden Yard). The initial lease rate shall be \$25,200 per year for a term of five years with three renewal option at five years each and the revenue will be deposited into the Property Services Fund 06200-8201340-820LEASE.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

W&M - Your Committee recommends that the proper City officers acknowledge the findings by the City Engineer and Finance Officer that the City-owned land at 40th St W and France Ave S is not needed for municipal operations and is formally designated as “excess property” per City Ordinance Section 14.120 as a first step in selling the land.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

W&M - Your Committee recommends that the proper City officers be authorized to execute a shared driveway easement agreement allowing Diamond Lake Development to share 20’ of driveway access between the City’s Fire Station No. 27 at 5416 Nicollet Avenue and 5422 Nicollet Avenue, where Diamond Lake Development, LLC is constructing an apartment building.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

W&M - Your Committee recommends that the proper City officers authorize an increase to the existing contract with Employee Strategies in the amount of \$219,350 for a revised total of \$500,000, for completion of the design, development and facilitation of the new Leadership Development program and to conduct trainer-the-trainer sessions for Human Resources staff.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report was adopted.

Approved by Mayor Betsy Hodges 12/5/2014.

(Published 12/9/2014)

W&M - Your Committee, to whom was referred by the Executive Committee a recommendation to establish new appointed position in the Human Resources Department, now recommends the following:

- a) Finds that the below listed position meet the criteria in Section 20.10.01 of the Minneapolis Code of Ordinances, Council to Establish (Appointed) Position, as set forth in Petition No. 277802 on file in the Office of the City Clerk.
- b) That the position of Assistant Director Treasury, 553 points/Grade 12; FLSA – Exempt, effective November 28, 2014.
- c) Passage of Ordinance 2014-Or-115 establishing the salary for said appointed position.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2014-Or-115
By Quincy
Intro & 1st Reading: 1/6/2014
Ref to: Z&P
2nd Reading: 12/5/2014

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective: November 28, 2014

| FLSA | OTC | CLASSIFICATION | PTS | G | P | Step 1 | Step 2 | Step 3 | Step 4 |
|------|-----|--|-----|----|---|----------|----------|-----------|-----------|
| E | 1 | <u>Assistant Director</u> <u>Treasury</u> | 553 | 12 | A | \$87,669 | \$92,283 | \$94,128 | \$95,974 |
| | | | | | | Step 5 | Step 6 | Step 7 | Step 8 |
| | | | | | | \$97,820 | \$99,665 | \$101,511 | \$103,357 |

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report and ordinance were adopted.

W&M – Your Committee recommends passage of Resolution 2014R-517 approving terms of the collective bargaining agreement with the Minneapolis Public Works Engineers Association for a one-year agreement effective January 1, 2014 through December 31, 2014.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-517
By Quincy

Approving the terms of a collective bargaining agreement with the Minneapolis Public Works Engineers Association and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Public Works Engineers Association, be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Employee Services Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, President Johnson (11)

Noes: (0)

Absent: Glidden, Palmisano (2)

The report and resolution were adopted.

The ZONING & PLANNING Committee submitted the following reports:

Z&P – Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, establishing regulations for accessory dwelling units on a citywide basis, now recommends that the following ordinances be given their second reading for amendment and passage:

- a) Ordinance 2014-Or-116 amending Chapter 520 relating to Introductory Provisions.
 - b) Ordinance 2014-Or-117 amending Chapter 521 relating to Zoning Districts and Maps Generally.
 - c) Ordinance 2014-Or-118 amending Chapter 525 relating to Administration and Enforcement.
 - d) Ordinance 2014-Or-119 amending Chapter 535 relating to Regulations of General Applicability.
 - e) Ordinance 2014-Or-120 amending Chapter 537 relating to Accessory Uses and Structures.
 - f) Ordinance 2014-Or-121 amending Chapter 541 relating to Off-Street Parking relating to Overlay Districts.
 - g) Ordinance 2014-Or-122 amending Chapter 551 relating to Overlay Districts.
- Your Committee further recommends that the following Chapters be returned to author:
- h) Chapter 530 relating to Site Plan Review.
 - i) Chapter 536 relating to Specific Development Standards.
 - j) Chapter 546 relating to Residence Districts.
 - k) Chapter 547 relating to Office Residence Districts.
 - l) Chapter 548 relating to Commercial Districts.
 - m) Chapter 549 relating to Downtown Districts.

The following is the complete text of the unpublished summarized ordinances.

ORDINANCE 2014-Or-116
By Bender
Intro & 1st Reading: 6/27/2014
Ref to: Z&P
2nd Reading: 12/5/2014

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following definitions contained in Section 520.160 of the above-entitled ordinance be amended, and placed in alphabetical sequence, to read as follows:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. Additional definitions may be found within specific chapters of this zoning ordinance. All words and phrases not defined shall have their common meaning.

Dwelling. A building, or portion thereof, containing one (1) or more dwelling units, designed or used exclusively for human habitation.

Accessory dwelling unit. A dwelling unit that is located on the same lot as a principal residential structure to which it is accessory, and that is subordinate in area to the principal dwelling.

Efficiency unit. A dwelling unit consisting of one (1) principal room exclusive of bathroom, kitchen, hallways and closets.

Multiple-family dwelling. A building, or portion thereof, containing three (3) or more dwelling units, not including an accessory dwelling unit.

Single-family dwelling. A building containing one (1) dwelling unit only, except that the structure may also contain an accessory dwelling unit where expressly authorized pursuant to this ordinance. A detached accessory dwelling unit shall not be considered a single-family dwelling unit for the purposes of this ordinance.

Two-family dwelling. A building containing two (2) dwelling units only, neither of which is an accessory dwelling unit, and each of which is separated from the other by an unpierced wall extending from ground to roof for at least eighty (80) percent of the length of the structure or an unpierced ceiling and floor extending from exterior wall to exterior wall.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson (10)

Noes: President Johnson (1)

Absent: Glidden, Palmisano (2)

The ordinance was adopted.

ORDINANCE 2014-Or-117
By Bender
Intro & 1st Reading: 6/27/2014
Ref to: Z&P
2nd Reading: 12/5/2014

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.10 (6) of the above-entitled ordinance be amended to read as follows:

521.10. Establishment of zoning districts. In order to carry out the purposes and provisions of this zoning ordinance, the city shall be divided into the following zoning districts:

(6) Overlay Districts.

PO Pedestrian Oriented Overlay District
LH Linden Hills Overlay District
IL Industrial Living Overlay District
TP Transitional Parking Overlay District
SH Shoreland Overlay District
FP Floodplain Overlay District
MR Mississippi River Critical Area Overlay District
DP Downtown Parking Overlay District
B4H Downtown Housing Overlay District
DH Downtown Height Overlay District
NM Nicollet Mall Overlay District
HA Harmon Area Overlay District
~~NP North Phillips Overlay District~~
AP Airport Overlay District
WB West Broadway Overlay District
UA University Area Overlay District
DS Downtown Shelter Overlay District

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson (10)

Noes: President Johnson (1)

Absent: Glidden, Palmisano (2)

The ordinance was adopted.

ORDINANCE 2014-Or-118
By Bender
Intro & 1st Reading: 6/27/2014
Ref to: Z&P
2nd Reading: 12/5/2014

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 525-1 of the above-entitled ordinance be amended to read as follows:

Table 525-1 Fees

| Application Type | Fee (dollars) |
|--|----------------------|
| <u>Administrative reviews of accessory dwelling units</u> | <u>260</u> |
| Administrative reviews of communication towers, antennas, and base units | 210 |

Section 2. That Section 525.520 of the above-entitled ordinance be amended to read as follows:

525.520. Authorized variances.

Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment, city planning commission, or city council only in accordance with the requirements of section 525.500, and may be granted only in the following instances, and in no others:

- (4) Unless otherwise controlled by conditional use permit, to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded, and provided further that the maximum height of any accessory structure shall not exceed sixteen (16) feet or sixty (60) percent of the height of the structure to which it is accessory, whichever is greater. The maximum height of a detached accessory dwelling unit may be varied, provided that the height of the detached accessory dwelling unit shall not exceed the height of the principal structure.
- (22) To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures, except that specific minimum distance and spacing requirements may be varied only to allow for the relocation of an existing use where the relocation will increase the spacing between such use and any use from which it is nonconforming as to spacing, or will increase the distance between such use and any protected boundary or use from which it is nonconforming as to distance. Further, the owner occupancy requirement for accessory dwelling units shall not be varied.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson (10)

Noes: President Johnson (1)

Absent: Glidden, Palmisano (2)

The ordinance was adopted.

ORDINANCE 2014-Or-119

By Bender

Intro & 1st Reading: 6/27/2014

Ref to: Z&P

2nd Reading: 12/5/2014

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 535.90 (a) of the above-entitled ordinance be amended to read as follows:

535.90. General standards for residential uses. (a) *Size and width.* The minimum gross floor area of a dwelling unit, except efficiency units and accessory dwelling units, shall be five hundred (500) square feet. The minimum gross floor area of efficiency units shall be three hundred fifty (350) square feet. The minimum gross floor area of accessory dwelling units shall be three hundred (300) square feet. Not less than eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall have a minimum width of twenty (20) feet.

Section 2. That Section 535.190 of the above-entitled ordinance be amended to read as follows:

535.190. Limit of one (1) principal residential structure per zoning lot. Except in the case of cluster developments, and planned unit developments, not more than one (1) principal residential structure shall be located on a zoning lot, nor shall a principal residential structure be located on the same zoning lot with any other principal structure. An accessory dwelling unit shall not be considered a separate principal residential structure.

Section 3. That Section 535.250 of the above-entitled ordinance be amended to read as follows:

535.250. - Interior side yards for dwellings with side entrances. The minimum width of interior side yards for all multiple-family dwellings, single- and two-family dwellings, accessory dwelling units, or cluster developments with a principal entrance facing the interior lot line, shall be not less than fifteen (15) feet, and the minimum width of said interior side yard plus any driveway shall not be less than twenty-two (22) feet, unless a greater width is required by the regulations governing interior side yards in the district in which the structure is located.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson (10)

Noes: President Johnson (1)

Absent: Glidden, Palmisano (2)

The ordinance was adopted.

ORDINANCE 2014-Or-120

By Bender

Intro & 1st Reading: 6/27/2014

Ref to: Z&P

2nd Reading: 12/5/2014

Amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to Zoning Code: Accessory Uses and Structures.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 537.50 of the above-entitled ordinance be amended to read as follows:

537.50. Maximum height. (a) *In general.* The maximum height for all accessory structures shall be limited to the maximum height requirements for principal structures in the district in which the accessory structure is located, except as otherwise provided in this zoning ordinance. The maximum height of detached accessory dwelling units shall be governed by section 537.110.

(b) *Accessory structures located in the residence and OR1 Districts.* A detached accessory structure, accessory to a principal use located in a residence or OR1 district shall not exceed the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, where the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure and the roof pitch matches the primary roof pitch of the principal structure, and provided the wall height shall not exceed ten (10) feet from the floor to the top plate. The zoning administrator shall conduct the administrative review of all applications to increase the maximum height of accessory structures. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.

(c) *Accessory structures located in all other districts.* Structures accessory to a structure originally designed or intended as a single or two-family dwelling or a multiple-family dwelling of three (3) or four (4) units, shall not exceed the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, where the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure, and provided the wall height shall not exceed ten (10) feet from the floor to the top plate.

Section 2. That Section 537.60 of the above-entitled ordinance be amended to read as follows:

537.60. Maximum floor area. (a) *In general.* The floor area of any accessory structure shall be included in the total allowable floor area permitted on the zoning lot. The maximum floor area of accessory dwelling units shall be governed by section 537.110.

(b) *Accessory uses and structures located in the residence and OR1 Districts.*

(1) *Single and two-family dwellings.* The maximum floor area of all detached accessory structures, and any attached accessory use designed or intended to be used for the parking of vehicles, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater, not to exceed one thousand (1,000) square feet. Detached accessory structures greater than six hundred seventy-six (676) square feet in area shall utilize primary exterior materials that match the primary exterior materials of the principal structure and the roof pitch shall match the roof pitch of the principal structure. The zoning administrator shall conduct the administrative review of all applications to increase the maximum floor area of accessory structures. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.

(2) *All other uses.* The maximum floor area of all detached accessory structures, and any attached accessory use designed or intended to be used for the parking of vehicles, except for a parking garage within the building, entirely below grade or of at least two (2) levels, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater.

(c) *Accessory uses and structures located in all other zoning districts.* The maximum floor area of all detached accessory structures and any attached accessory use designed or intended to be used for the parking of vehicles, accessory to a structure originally designed or intended as a single or two-family dwelling or a multiple-family dwelling of three (3) or four (4) units, shall not exceed six hundred seventy- six (676) square feet or ten (10) percent of the lot area, whichever is greater.

Section 3. That Section 537.70 of the above-entitled ordinance be amended to read as follows:

537.70. Yard requirements. The minimum yard requirements for accessory uses and structures shall not be less than those specified for the principal uses to which they are accessory, except as provided in Chapter 535, Regulations of General Applicability, or as otherwise provided in this zoning ordinance.

Section 4. That Section 537.80 of the above-entitled ordinance be amended to read as follows:

537.80. Distance from dwelling. No detached accessory building or open parking space shall be located closer than six (6) feet from the habitable space of a dwelling of any type, except that detached accessory dwelling units may be located closer than six (6) feet from an open parking space. Detached parking garages serving residential uses and detached accessory dwelling units shall be located entirely to the rear of the principal residential structure.

Section 5. That Section 537.110 of the above-entitled ordinance be amended by adding definitions in alphabetical sequence to read as follows:

537.110. Allowed accessory uses and structures. The following accessory uses and structures shall be allowed, subject to the following development standards:

Accessory dwelling units. Internal, attached, and detached accessory dwelling units shall be allowed accessory to a principal residential structure, subject to the following:

- (1) The principal residential structure shall be a permitted or conditional single-family or two-family dwelling, accessory dwelling units shall be prohibited accessory to all other uses.
 - (2) No more than one (1) accessory dwelling unit shall be allowed on a zoning lot.
 - (3) The creation of an accessory dwelling unit shall not create a separate tax parcel.
 - (4) Balconies shall not face an interior side yard.
 - (5) Rooftop decks shall not be allowed.
 - (6) An owner of the property must occupy at least one (1) dwelling unit on the zoning lot as their primary place of residence.
- a. If an owner is unable or unwilling to fulfill the requirements of this section, the owner shall remove those features of the accessory dwelling unit that make it a dwelling unit. Failure to do so will constitute a violation of this section.

- b. Prior to issuance of a permit establishing an accessory dwelling unit, the owner(s) shall file with the Hennepin County recorder a covenant by the owner(s) to the City of Minneapolis stating that the owner(s) agree to restrict use of the principal and accessory dwelling units in compliance with the requirements of this section and notify all prospective purchasers of those requirements.
 - c. The covenant shall run with the land and be binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The covenant shall be in a form prescribed by the zoning administrator that includes the legal description of the zoning lot. The property owner(s) shall return the original covenant with recording stamp to the zoning administrator before the building permit for the accessory dwelling unit is issued.
 - d. At the request of a property owner and upon an inspection finding that an accessory dwelling unit has been removed from the owner's property, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit.
- (7) Accessory dwelling units that are internal to a principal residential structure shall also comply with the following requirements:
- a. Internal accessory dwelling units are limited to eight hundred (800) square feet. The gross floor area of an internal accessory dwelling unit may exceed eight hundred (800) square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of January 1, 2015. In no case shall the floor area of the internal accessory dwelling unit exceed the floor area of the first floor of the primary structure.
 - b. The entire internal accessory dwelling unit shall be located on one level.
 - c. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.
 - d. Any stairways leading to the accessory dwelling unit shall be enclosed.
- (8) Accessory dwelling units that are attached to a principal residential structure shall also comply with the following requirements:
- a. The maximum floor area for an attached accessory dwelling unit shall be eight hundred (800) square feet.
 - b. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.
 - c. Any stairways leading to an upper story of an accessory dwelling unit shall be enclosed.
 - d. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.
- (9) Detached accessory dwelling units shall also comply with the following requirements:

- a. A detached accessory dwelling unit shall not exceed the height of the principal residential structure or twenty (20) feet, whichever is less. In no case shall the highest point of the roof of the detached accessory dwelling unit exceed the highest point of the roof of the principal residential structure.
 - b. The floor area of a detached accessory dwelling unit shall not exceed one-thousand (1,000) square feet, including any areas designed or intended to be used for the parking of vehicles and any half-story floor area. When a lot includes a detached accessory dwelling unit, the combined floor area of the footprint of the detached accessory dwelling unit, and all other accessory structures and uses designed or intended to be used for the parking of vehicles, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater, not to exceed one-thousand (1,000) square feet.
 - c. The minimum interior side yard requirement for a detached accessory dwelling unit shall not be less than three (3) feet.
 - d. The minimum rear yard requirement for a detached accessory dwelling unit may be reduced to three (3) feet, except where vehicle access doors face the rear lot line, in which case the minimum rear yard requirement shall be five (5) feet.
 - e. A detached accessory dwelling unit on a reverse corner lot shall be no closer to the side lot line adjacent to the street than a distance equal to two-thirds of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Further, a detached accessory dwelling unit shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence or office residence district.
 - f. The distance between the detached accessory dwelling unit and the habitable portion of the principal residential structure shall be a minimum of twenty (20) feet.
 - g. The primary exterior materials of the detached accessory structure shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.
 - h. Not less than ten (10) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.
 - i. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.
- (10) The zoning administrator shall conduct the administrative review of all applications for an accessory dwelling unit. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson (10)

Noes: President Johnson (1)

Absent: Glidden, Palmisano (2)

The ordinance was adopted.

DECEMBER 5, 2014

ORDINANCE 2014-Or-121
By Bender
Intro & 1st Reading: 6/27/2014
Ref to: Z&P
2nd Reading: 12/5/2014

Amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-street Parking and Loading.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 541-1 of the above-entitled ordinance be amended to read as follows:

Table 541-1 Specific Off-Street Parking Requirements

| Use | Minimum Parking Requirement | Maximum Parking Allowed | Notes (see 541.170) |
|-------------------------|---|--|--|
| RESIDENTIAL USES | | | |
| Dwellings | 1 space per dwelling unit, <u>except an accessory dwelling unit shall not be required to provide off-street parking</u> | No maximum except as regulated by Article VIII, Special Parking Provisions for Specific Zoning Districts | 1 Existing dwellings nonconforming as to parking may provide off-site parking within 300 feet |

Section 2. That Section 541.450 of the above-entitled ordinance be amended to read as follows:

541.450. Maximum number of vehicles for dwellings. The total number of vehicles located on a zoning lot shall not exceed two (2) vehicles per dwelling unit, excluding those parked within an enclosed structure. For the purposes of this section, accessory dwelling units shall not be considered a dwelling.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson (10)

Noes: President Johnson (1)

Absent: Glidden, Palmisano (2)

The ordinance was adopted.

ORDINANCE 2014-Or-122
By Bender
Intro & 1st Reading: 6/27/2014
Ref to: Z&P
2nd Reading: 12/5/2014

Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 551.1020 of the above-entitled ordinance be and is hereby repealed.

551.1020. Reserved. Purpose.

~~The NP North Phillips Overlay District is established to create additional housing, to promote home ownership and to allow a variety of housing types, costs and arrangements that may not meet the regulations of the primary zoning district, including the limit of one (1) principal residential structure per zoning lot, where the primary zoning district allows two-family or multiple-family dwellings.~~

Section 2. That Section 551.1030 of the above-entitled ordinance be and is hereby repealed.

551.1030. Reserved. Established boundaries.

~~The boundaries of the NP Overlay District shall be the areas shown on the official zoning map.~~

Section 3. That Section 551.1040 of the above-entitled ordinance be and is hereby repealed.

551.1040. Reserved. Definition.

~~*Accessory dwelling.* A single-family dwelling that is detached from and subordinate to a principal residential structure on the same zoning lot, and that is located entirely above a parking garage with not less than two (2) accessory parking spaces.~~

Section 4. That Section 551.1050 of the above-entitled ordinance be and is hereby repealed.

551.1050. Reserved. Eligible areas outside of established boundaries.

~~The NP Overlay District shall be limited to locations within the area bounded by Interstate 35W, Interstate 94, East 24th Street, and Hiawatha Avenue where the primary zoning district allows two-family dwellings. Any person having a legal or equitable interest in property located within the eligible area outside of the established boundaries may file a petition to request the addition of the NP Overlay District classification in the manner provided for zoning amendments in Chapter 525, Administration and Enforcement.~~

Section 5. That Section 551.1060 of the above-entitled ordinance be and is hereby repealed.

551.1060. Reserved. Conditional uses.

~~In addition to the conditional uses allowed in the primary zoning district, the establishment of one (1) accessory dwelling on a single zoning lot, other than a cluster development or planned unit development, may be allowed in the NP Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement, and the following:~~

~~(1) The principal residential structure shall be a permitted or conditional use in the primary zoning district. No accessory dwelling shall be constructed or established prior to the time of construction of the principal residential structure to which it is accessory. This section shall not prohibit a construction project in which both the principal residential structure and accessory dwelling are to be built simultaneously.~~

~~(2) At least one (1) dwelling unit on the zoning lot shall be homesteaded.~~

~~(3) There shall be no more than one (1) principal residential structure on a zoning lot in addition to the accessory dwelling.~~

~~(4) The minimum lot area shall be one thousand five hundred (1,500) square feet per unit, including the accessory dwelling unit, except in the R2 Two-family District where the minimum lot area shall be six thousand (6,000) square feet.~~

~~(5) There shall be no other accessory structures designed or intended to be used for the parking of vehicles allowed on the zoning lot.~~

~~(6) The parking spaces located below the accessory dwelling shall be accessible through the alley where there is an alley, except as otherwise authorized by the city planning commission.~~

~~(7) There shall be an unobstructed walkway leading from the public street to the accessory dwelling.~~

~~(8) The minimum rear and interior side yard requirements for the accessory dwelling shall be not less than those specified by the primary zoning district for principal uses, except as otherwise authorized by the city planning commission.~~

~~(9) The principal residential structure and the accessory dwelling shall be separated by not less than ten (10) feet and shall not be connected to each other by any structure.~~

~~(10) The accessory dwelling shall be compatible in character with the principal residential structure on the zoning lot and with the surroundings, and shall comply with the following specific requirements:~~

~~a. The height of the accessory dwelling shall not exceed the height of the principal residential structure, or two and one-half (2.5) stories or thirty (30) feet, whichever is less.~~

~~b. The roof of the accessory dwelling shall be similar in form and pitch to that of the principal residential structure.~~

~~c. The exterior building materials and appearance of the accessory dwelling shall be similar to that of the principal residential structure.~~

~~d. Not less than twenty (20) percent of the façade of the accessory dwelling unit facing the principal residential structure or alley shall be windows.~~

~~(11) The minimum floor area of the accessory dwelling unit shall be three hundred (300) square feet.~~

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson (10)

Noes: President Johnson (1)

Absent: Glidden, Palmisano (2)

The ordinance was adopted.

MOTIONS

On motion by Quincy, seconded, the regular payrolls for all City employees under City Council jurisdiction for the month of January 2015 were approved and ordered paid subject to audit by the Finance Officer.

NEW BUSINESS

Bender and Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code (amending regulations regarding homeless shelters):

- a) Chapter 520 relating to Introductory Provisions
- b) Chapter 536 relating to Specific Development Standards
- c) Chapter 537 relating to Accessory Uses and Structures
- d) Chapter 541 relating to Off-Street Parking and Loading
- e) Chapter 546 relating to Residence Districts
- f) Chapter 547 relating to Office Residence Districts
- g) Chapter 548 relating to Commercial Districts
- h) Chapter 549 relating to Downtown Districts
- i) Chapter 550 relating to Industrial Districts
- j) Chapter 551 relating to Overlay Districts.

Glidden and Reich gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 2, Chapter 36 of the Minneapolis Code of Ordinances relating to Administration: Arts Commission (declaring dedicated funding to public art in Minneapolis, defining related terms, and expanding the purpose and duties of the Arts Commission).

On motion by Quincy, seconded, the meeting was adjourned to December 10, 2014, at 6:05 p.m. in the Council Chamber for the purpose of conducting a public hearing and adopting the 2015 budget.

Casey Joe Carl,
City Clerk

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COMMITTEE OF THE WHOLE (See Rep):

ATTORNEY (277755)
Plain Language Charter Ordinance Revisions.

COMMUNITY DEVELOPMENT & REGULATORY SERVICES:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277756)

Hiawatha Academies Middle School: Resolution authorizing Host Approval for the issuance of Bank Qualified Bank Direct Financing for the Hiawatha Academies Middle School project through the City of Cottage Grove.

COMMUNITY DEVELOPMENT & REGULATORY SERVICES (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277757)

2014 Round 2 Hennepin County Transit Oriented Development (TOD) Grant Applications: Adopting a multi-jurisdictional program approval resolution authorizing submission of grant applications to the Hennepin County TOD Program and authorizing cooperative agreements for the recommended County funded projects.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277758)

Broadway Flats (2220 W Broadway Ave): Resolutions giving final approval to the issuance of up to \$13.9 million in Tax-Exempt Multi-family Housing Entitlement Revenue Bonds for a mixed-use housing project; and Authorizing the sale of properties at 2413, 2423, 2425, 2503, 2507 and 2511 Penn Ave N to Broadway Flats, LLLP; related actions.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277759)

Broadway Flats Land Sale (2413, 2423, 2425, 2503, 2507 and 2511 Penn Ave N): Resolution authorizing the sale of properties to Broadway Flats, LLLP or an affiliate for \$152,256, related actions.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277760)

Catholic Eldercare: Resolution giving preliminary and final approval to the issuance of up to \$5,000,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2014 for Catholic Eldercare and affiliates; Resolution authorizing host approval for the issuance of Bank Qualified Bank Direct Revenue Bonds by the City of Lauderdale and the City of Mounds View for Catholic Eldercare and affiliates.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277761)

Interim Management Agreement for Upper Harbor Terminal: Approving the waiver of the requirement for a request for proposals process and authorize an interim management agreement with River Services, Inc. for the Upper Harbor Terminal for a period of up to three years beginning January 1, 2015, and with a 2015 maximum amount of \$870,000, contingent upon sufficient appropriation being authorized by the 2015 budget.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277762)

Metropolitan Council Livable Communities Local Housing Incentive Account Grant Funds: Authorizing signature of an Acknowledgement of Receptivity to an LCA Funding Award form for the projects recommended for Livable Communities Local Housing Incentive Account grant awards.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277763)

Property Management Contract Approval: Authorizing execution of a basic service agreement with each of the six selected respondents and an occasional property maintenance service; and agreement with each of the four selected respondents to CPED's Property Maintenance RFP; Approving the length of the master service agreements to be for a period of three years, with an option to extend for two additional one-year terms.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277764)

Tubman: Resolution granting preliminary and final approval of modifications to MCDA, Series 2010, 501(c)(3) Bank Qualified Bank Direct Tax-exempt Revenue Bonds.

LICENSES AND CONSUMER SERVICES (277765)

Administrative Hearings for Business Licenses Ordinance: Amending Title 13, Chapter 259, amending process for administrative hearings for business licenses.

LICENSES AND CONSUMER SERVICES (277766)

Liquor, Business & Gambling License Applications: Department of Licenses & Consumer Services agenda recommendations for Liquor, Business & Gambling licenses.

LICENSES AND CONSUMER SERVICES (277767)

Twin Town Pedicabs (917 5th Ave S): Approving Business License Operating Conditions.

LICENSES AND CONSUMER SERVICES (277768)

Temporary Extended Hours of Operation Licenses Ordinance: Amending Title 13, Chapter 309, amending licensing and regulation of Temporary Hours of Operation licenses and adding a license fee to the license fee schedule.

NEIGHBORHOOD AND COMMUNITY RELATIONS (277769)

Heading Home Hennepin/Office to End Homelessness: Authorizing the CPED Director to execute agreement between the City of Minneapolis and Hennepin County for the Family Housing Fund to serve as the fiscal agent for Heading Home Hennepin/Office to End Homelessness related activities.

REGULATORY SERVICES (277770)

Rental License Re-instatement (4942 Bryant Ave S - Owner Justin Hennig): Approving reinstatement of license.

REGULATORY SERVICES (277771)

Rental Dwelling License (3519 15th Ave S -Owner 226 Maple, LLC and Alfonso Morales): Recommending revocation of license.

REGULATORY SERVICES (277772)

Rental Dwelling License Conditions (1832/34 Ulysses St NE - Owner Gregory Collins): Approving placement of conditions on license.

REGULATORY SERVICES (277773)

Rental Dwelling License Conditions (4142 Girard Ave N - Owner DJ Financial LLC/Jeff Johnson): Approving placement of conditions on license.

REGULATORY SERVICES (277774)

Rental License Re-instatement (1651 Penn Ave N - Owner Northside Home, LLC/Russ Barclay): Approving reinstatement of license.

COMMUNITY DEVELOPMENT & REGULATORY SERVICES and WAYS & MEANS:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277775)

Midtown Global Market Validated Parking Grant: Review of the grant.

**COMMUNITY DEVELOPMENT & REGULATORY SERVICES and WAYS & MEANS
(See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277776)

2014 Housing Revenue Entitlement Bond Carryforward: Resolution authorizing the carryforward of \$48,759,326 of the 2014 Tax Exempt Multi-family Housing Entitlement Revenue Bonds for Multifamily Housing programs.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277777)

Broadway Flats Tax Increment Financing (TIF) Plan (2220 W Broadway Ave): Resolutions approving the Broadway Flats TIF Plan, establishing the CPED Broadway Flats Fund and approving an initial appropriation of \$5,000; & authorizing the issuance of a limited revenue pay-as-you-go TIF note to Broadway Flats, LLLP in a principal amount not exceed \$1,424,300; related actions.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277778)

Decertification of Two Tax Increment Financing (TIF) Districts and One Hazardous Substance Subdistrict: Resolution approving the decertification of the Rosacker Nursery Site TIF District; the Humboldt Industrial Park TIF District; and the SEMI Area Phase 2 Hazardous Substance Subdistrict and authorizing and directing appropriation adjustments needed in order to close-out the individual funds for the Humboldt Industrial Park TIF District and the Rosacker Nursery Site TIF District, and return any excess TIF revenue to Hennepin County for subsequent distribution to the City, County and School District.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277779)

Executive Search Services: Amendment to contract with The Chandler Group (No. C-38216), increasing by \$10,000 for recruitment of the CPED Housing Director.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277780)

Neighborhood Stabilization Program (NSP): Authorizing execution of a NSP Amendment to the Amended and Restated Grant Agreement for NSP1 between the City of Minneapolis and the Minnesota Housing Finance Agency to award reallocated funds under the Program in an amount not to exceed \$600,000; related actions.

FINANCE DEPARTMENT (277781)

50th and France Tax Increment Financing (TIF) Plan: Resolution approving Modification No. 1 to the 50th and France TIF Plan.

COMMUNITY DEVELOPMENT & REGULATORY SERVICES and T&PW and W&M (See Rep):

PUBLIC WORKS AND ENGINEERING (277782)

Convention Center Hotel Parking Ramp Lease: Authorizing execution of an amendment to the Convention Center Hotel Parking Ramp Lease contract, renewing the lease for an additional 10 years effective April 1, 2014 and setting the Garage Keepers Legal Liability Insurance limits to \$10,000,00.

ELECTIONS & RULES and WAYS & MEANS (See Rep):

CITY CLERK (277783)

Minneapolis City Council Rules of Order: 2015 Revision of Council Rules.

HEALTH, ENVIRONMENT & COMMUNITY ENGAGEMENT (See Rep):

HEALTH DEPARTMENT (277784)

Minneapolis Clean Indoor Air Act: Ordinance amending Title 11, Chapter 234 of Code relating to Health and Sanitation: Indoor Smoking, adopting the Minnesota Clean Indoor Air Act and broadening regulation of electronic cigarettes and electronic delivery devices; and Comments.

NEIGHBORHOOD AND COMMUNITY RELATIONS (277785)

History of Neighborhood Programs: Report on history of Neighborhood Revitalization Program, Community Participation Program, and Neighborhood and Community Relations Department; and Comments.

NEIGHBORHOOD AND COMMUNITY RELATIONS (277786)

Uncontracted Neighborhood Funds: Report.

HEALTH, ENVIRONMENT & COMMUNITY ENGAGEMENT and WAYS & MEANS (See Rep):

NEIGHBORHOOD AND COMMUNITY RELATIONS (277787)

2015 and 2017 Minneapolis Resident Surveys: Contract with Wilder Research.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (277788)

2015 Legislative Agenda and Policy Positions: Receive and File 2015 Legislative Agenda and Policy Positions RCA; IGR Committee Workbook; Rule of Three Presentation; Mattress Presentation.

PUBLIC SAFETY, CIVIL RIGHTS & EMERGENCY MANAGEMENT (See Rep):

CIVIL RIGHTS (277789)

Minneapolis Commission on Civil Rights, Police Conduct Oversight Commission & Police Conduct Review Panel: City Council and Mayoral appointments.

PUBLIC SAFETY, CIVIL RIGHTS & EMERGENCY MANAGEMENT and WAYS & MEANS (See Rep):

EMERGENCY MANAGEMENT (277790)

2014 Minnesota Department of Public Safety Urban Area Initiative Grant: Authorizing acceptance of grant award.

EMERGENCY MANAGEMENT (277791)

Homeland Security Emergency Management 2014 Mass Care Award: Authorizing acceptance of grant award.

FIRE DEPARTMENT (277792)

Minnesota Board of Firefighter Training and Education (MBFTE) training

POLICE DEPARTMENT (277793)

Life Time Fitness: Authorizing three year contract for health club memberships, fitness services, and facility use for 774 police officers and reimbursement.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (277810)

Minnehaha Ave Street Reconstruction Project No. 9664: a) Project designation; and b) Negotiation of Construction Cooperative Agreement with Hennepin County.

PUBLIC WORKS AND ENGINEERING (277811)

Metro Transit C Line Arterial Bus Rapid Transit Project: Supporting Metro Transit's C Line Arterial Bus Rapid Transit (ABRT) Project along Penn Ave N.

PUBLIC WORKS AND ENGINEERING (277812)

Nawadaha Blvd and Minnehaha Ave Street Reconstruction Project No. 6749: Project designation.

PUBLIC WORKS AND ENGINEERING (277813)

54th St W Street Reconstruction Project No. 6735 (Penn Ave S to Lyndale Ave S): Formal request for variance from MnDOT State Aid Rules.

PUBLIC WORKS AND ENGINEERING (277814)

Holidazzle Village - Minneapolis Holiday Market: Large Block Event Permit.

PUBLIC WORKS AND ENGINEERING (277815)

2015 Uniform Assessment Rates: Street construction, street renovation, street resurfacing, and alley construction and resurfacing.

PUBLIC WORKS AND ENGINEERING (277816)

Right-of-Way and Street Use Permits: a) Amendments to Title 5, Chapter 91 of Code relating to Building Code: Permit Fees, clarifying that street use permits referred to in the building code are a form of obstruction permit; b) Amendments to Title 17, Chapter 430 of Code relating to Streets and Sidewalks: Right-of-Way Permits, setting out specific permit requirements for dumpsters and storage containers obstructing the public right-of-way; and c) Comments.

PUBLIC WORKS AND ENGINEERING (277817)

Critical Parking Area Denial: a) 42nd Ave, from 46th St E to Nawadaha Blvd (even side only); b) Nawadaha Blvd, from Minnehaha Ave to 42nd Ave S (south side only); and c) Staff findings.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS (See Rep):

PUBLIC WORKS AND ENGINEERING (277818)

Bid: OP 8012, Single bid of Gene's Water and Sewer for private water service valve relocates, disconnects, and curb stop repairs.

PUBLIC WORKS AND ENGINEERING (277819)

Nicollet-Modern Streetcar Project: Extension of term of Master Funding Agreement with Metropolitan Council.

PUBLIC WORKS AND ENGINEERING (277820)

Street Resurfacing Special Assessment Appeal: Settlement of special assessment appeal asserted by NearCo IV, LLC and reducing special assessment at 409 W Broadway and at 1912 4th St N.

PUBLIC WORKS AND ENGINEERING (277821)

Parking Ramp/Skyway Mechanical and Electrical Improvement Projects: Contract extension with Toltz King Duvall Anderson (TKDA).

PUBLIC WORKS AND ENGINEERING (277822)

24th St E and Snelling Ave Street Reconstruction and Street Lighting Project No. 2298: a) Amend Capital Budget to establish project; and b) Project designation.

PUBLIC WORKS AND ENGINEERING (277823)

Capital Project Close-Outs: Close-out various capital projects and programs and reallocate resources and already issued Net Debt and Sanitary Sewer Bonds.

PUBLIC WORKS AND ENGINEERING (277824)

Bid: OP 8017, Low bid of Infrastructure Technologies, Inc. for small diameter sanitary sewer system cleaning.

WAYS AND MEANS:

ATTORNEY (277794)

Appointment to Ethical Practices Board: Intent of Appointing Committee to appoint Walter Bauch and Cassandra Ward Brown.

COMMUNICATIONS (277795)

Minneapolis Telecommunications Network (MTN) Annual Financial Audit Report: Receive and file Minneapolis Telecommunications Network (MTN) Annual Financial Audit Report.

WAYS AND MEANS (See Rep):

ATTORNEY (277796)

Legal Settlements: a) Cincinnati Insurance Companies v. City of Minneapolis, \$35,000; b) Adam Mitchell v. City of Minneapolis, \$9,000; c) German Castillo v. City of Minneapolis, Officer Michael Honeycutt, Officer Kevin David Parsons, Officers Jane Doe and Richard Roe, and Janee Harteau, \$65,000.

CITY CLERK (277797)

Professional Codification Services Contract: Municipal Code Corporation and its subsidiary MCCi (\$50,000 per year) for a period of five years for professional codification and related services.

CITY CLERK (277798)

Temporary Staffing Services Contract: Increasing contract with Top Talent/Doherty Staffing (\$40,000) for staffing services for City Clerk's Office operations.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277799)

Penn Avenue North Corridor Land Use Planning Activities: Agreement with Hennepin County to provide the City's contribution for multijurisdictional coordination of land use planning on the Penn Avenue North corridor.

CONVENTION CENTER (277800)

Restroom/Locker Room Renovation Contract: Increasing contract with Meisinger Construction (\$34,101) for close out and final payment of project.

EXECUTIVE COMMITTEE (277801)

Labor Negotiation: Tentative agreement with Minneapolis Public Works Engineers Association.

EXECUTIVE COMMITTEE (277802)

New Appointed Position - Assistant Director Treasury: Approve new appointed position and pass salary ordinance.

FINANCE DEPARTMENT (277803)

Cellular Tower Lease: Contract with NCWPCS MPL 24 – Year Sites Tower Holdings, LLC for a Cellular Tower at 103 Lyndale Ave N (Linden Yard) (\$25,200 per year) for a term of five years with three renewal options at five

FINANCE DEPARTMENT (277804)

Excess Property for 40th St. W and France Ave S: Authorizing that the elected officials acknowledge the findings by the City Engineer and Finance Officer that the land is not needed for municipal operations and is formally designated as excess property per City Ordinance Section 14.120.

FINANCE DEPARTMENT (277805)

Facility Sharing Agreement with Hennepin County: Agreement with Hennepin County and Hennepin Healthcare Systems Inc. allowing the County to use City facilities during public health or medical emergencies for a period of five years.

FINANCE DEPARTMENT (277806)

Fire Station No. 27 Driveway Easement Agreement: Executing shared driveway easement agreement with Diamond Lake Development, LLC regarding Fire Station No. 27 at 5416 Nicollet Ave.

FINANCE DEPARTMENT (277807)

MnDOT Lease Agreement for Rental of 394 Under-Bridge Parking Lots: Execution of amendment No. 2 with MnDOT for city use of land under highway 394 bridges, extending lease to the City for five years (\$19,200 per year).

FINANCE DEPARTMENT (277808)

Public Service Center Partial Re-Roofing Bid: Mint Roofing, Inc. (\$301,700) for the Public Service Center Partial Re-Roofing Project.

HUMAN RESOURCES (277809)

Leadership Development Contract: Increase of contract with Employee Strategies (\$219,350) to complete the design, development and facilitation of the new Leadership Development program and to conduct trainer-the-trainer sessions for HR staff.

ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277825)

Accessory Dwelling Units (ADU) Text Amendments.

FILED (See Rep):

AMERICAN INDIAN COMMUNITY DEVELOPMENT CORPORATION (277826)

Vacate That part of 16th Ave S which lies South of the south line of Lot 1, Block 1, ANISHINABE WAKIAGUN ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota and which lies North of the following described line: Beginning at the Southeast corner of Lot 1, Block #, Cornell's addition to Minneapolis according to the recorded plat thereof Hennepin County, Minnesota; thence easterly 80 feet more or less to the Southwest corner of Lot 41 Plat of Auditor's Subdivision no 33 according to the recorded plat thereof Hennepin County, Minnesota and said line there terminating.

Official Posting: 12/12/2014